

**FLORENCIO CUYNO, JR., REPRESENTING THE ESTATE OF HIS
DECEASED FATHER FLORENCIO CUYNO, SR., PETITIONER, VS.
WORKMEN'S COMPENSATION COMMISSION AND
MUNICIPALITY OF ABUYOC, LEYTE, R...**

G.R. No. L-44271. September 22, 1977

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e3c65c5023a3/>

This is a petition for a review of the decision of the defunct Workmen's Compensation Commission affirming the decision of the Workmen's Compensation Commission Unit, Tacloban City, dismissing the claim of the herein claimant for lack of merit.

It appears that claimant is one of the heirs of the late Florencio Cuyno, Sr. and the instant claim is being instituted by him in his own behalf and in behalf of his co-heirs.

The records show that Florencio Cuyno, Sr., during his lifetime, was first employed as a classroom teacher, Bureau of Public Schools, in June, 1930 and continued until the outbreak of the Second World War on December 8, 1941, (see Annex "B", Petition for Review, p. 16, rec). On July 22, 1945, he was appointed bookkeeper in the Treasurer's Office of Baybay, Leytedel Sur. Subsequently, he served the office of the Municipal Treasurer of Baybay in various capacities till June 30, 1964 when he was appointed municipal treasurer of Abuyog, Leyte. He served the municipality of Abuyog in this capacity until his death on January 27, 1968 (see Annex "C", p. 17, rec).

In the evening of January 27, 1968, Florencio Cuyno, Sr., while working overtime in his office in the Municipal Hall of Abuyog, Leytedel Sur (see Annex "D", p. 18, rec). was suddenly stricken ill and was brought by Patrolman Emilio Austria of the Abuyog Police Force to the Abuyog Emergency Hospital where Florencio Cuyno, Sr. died a few minutes thereafter. The resident physician of the Abuyog Emergency Hospital diagnosed the cause of death as "acute heart failure, severe, secondary to extensive myocardial infarction which could have been triggered off by the stress and strain inherent to the performance of his duties" (Annex "E", Petition, p. 19, rec). On March 14, 1968, petitioner filed a claim for compensation under the provisions of the Workmen's Compensation Act (Annex "F", p. 20, rec). After hearing, the Acting Referee, Workmen's Compensation Unit, Regional Office No. 9, Tacloban City, rendered on December 16, 1975 a decision denying the claim, the dispositive portion of which reads:

"This death is not compensable. Records do not show the circumstances surrounding the death of Florencio Cuyno, Sr. There is no record of treatment much less a Physician's Report showing his real illness or cause of his death. There is no evidence in the record linking his illness with that of his employment or that it was aggravated by the nature of his work as Municipal Treasurer.

"Wherefore, premises considered this case should be as it is hereby dismissed for lack of merit."

Petitioner filed a motion for reconsideration which was not resolved on the merits by the Acting Referee, who merely elevated the case to the Workmen's Compensation Commission. The defunct Workmen's Compensation Commission dismissed petitioners appeal and affirmed on March 9, 1976 in toto the decision of the Acting

Referee. Hence, this petition.

Petitioner alleges in the instant petition:

1. That he was not given a day in court because the decision of the Workmen's Compensation Unit, Regional Office No. 9 "was arrived at even before the petitioner could completely and fully present all his testimonial and documentary evidences";
2. That the Workmen's Compensation Commission erred in not considering in favor of herein petitioner the failure of the Municipality of Abuyog, to submit the employer's report within the reglementary period to do so as required under Section 44 of the Workmen's Compensation Act; and
3. That "the respondent Workmen's Compensation Commission erred when it stated that there was no reasonable connection between the heart attack of Florencio Cuyno, Sr. and his employment," even if the petitioner has not presented all his evidence documentary and testimonial.

The thrust of petitioner's assignment of errors is centered on his claim that the denial by the Workmen's Compensation Commission of a causal connection between the cause of death of claimant's father with that of his employment has no basis in law and in fact considering that the decision of the Workmen's Compensation Unit, Regional Office No. 9, which originally heard this case, was rendered even before the petitioner could have completely and fully presented all his testimonial as well as documentary evidence therefor. The pertinent pronouncement of the Commission is hereby quoted as follows:

"x x x Under the law, it is essential, in order to impose liability on the employer under the Workmen's Compensation Act, that the illness which caused the death or disability of the employee should be causally related with his employment. In the instant case, it is not enough that the deceased Florencio Cuyno, Sr., suffered heart pains in the evening of January 27, 1968. There is no evidence on record which tends to show any medical evidence in effect proving that the deceased has for sometime been suffering from the illness which eventually caused his death. We do not find, therefore, any reasonable connection between his heart attack in the evening of January 27, 1968. to his employment. In the absence of such proof, this claim is bound to fail. Hence, the Acting Referee below did not commit an error in dismissing this case (Decision of WCC, March 9, 1976. Annex "J". p. 27. rec).

WE are quoting the observation of the Solicitor General, thus:

"A careful examination of aforequoted ruling of respondent Commission discloses that, in the light of the circumstances of the case, the petitioner's claim is well taken, considering that the rationale of the Commission in dismissing the instant claim is that there is 'no evidence on record which tends to show any medical evidence in effect proving that the deceased has for sometime suffered from the illness which eventually caused his death.' It is to be noted that petitioner filed a motion for reconsideration (Annex 'H', Petition) of the decision of the Workmen's Compensation Unit, alleging that said decision was rendered 'when the claimant has not yet rested or closed the case or has not completed yet the presentation of evidence.' Said motion prayed that the decision be set aside and that petitioner be allowed to present the rest of his evidence. Thereafter, the Hearing Officer issued the following Order (Annex 'I', Petition) dated February 26, 1976:

'Without going into the merits of the motion, the same having filed within the reglementary period, let the entire records of this case consisting of 73 pages, excluding this order be elevated to the Commission for review pursuant to the telegraphic order of Director Severo M. Pucan.'

In its decision of March 9, 1976, the Commission ruled:

'The Acting Referee did not commit a reversible error by rendering a decision on the instant claim. The records show that the claim was filed as early as 1968 and that on the basis of the available evidence on record, a

decision could be rendered. The impending abolition of the WCC and the long period within which this case has been pending consideration, satisfied the action of the Acting Referee in rendering the decision. The claimant should have, at the start, presented, as required by necessary supporting documents which could be made the basis of the award, even without a lengthy hearing on the merits. As a matter of fact, delay has already been entailed. Claimant should have raised the issue in the motion for reconsideration as to whether the claim is compensable under the Act.'

"This ruling of the Commission appears to fall short of the standards for fairness and justice applicable in compensation cases. There is nothing in the record showing that the petition has caused delay in the proceedings before the referee. Also, the impending abolition of the WCC then could not have been a valid ground to prevent the presentation of claimant's evidence. Actually, the motion for reconsideration dated February 6, 1976 could have been granted even prior to February 26, 1976, the date the hearing officer decided to elevate the records to the respondent Commission (Annex T. supra), and evidence for claimant could thus have been offered before such transmittal. It thus appears that due process has been denied claimant.

It is only fair that proper opportunity to adduce evidence be afforded claimant. Although workmen's compensation units have already been abolished, the Government has provided a procedure through which claimant by still find recourse.

"Presidential Decree No. 954 dated July 6, 1976, entitled 'PROVIDING FOR THE DISPOSITION OF WORKMEN'S COMPENSATION CASES AS OF MARCH 31, 1976, THOSE REMANDED BY THE SUPREME COURT FOR FURTHER PROCEEDINGS AND OTHER PURPOSES,' states, among others:

X X X X X X X X

'WHEREAS, under PD 442, otherwise known as the "Labor Code of the Philippines," as amended by PD 626 and PD 865-A, the Workmen's Compensation Commission, the Bureau of Workmen's Compensation Commission, the Bureau of Workmen's Compensation Units were considered abolished as of March 31, 1976, and that of officials and personnel thereof were transferred to and mandatorily absorbed by the Department of Labor, subject to PD 6, LOI 14-A and Civil Service Law and Rules;

'WHEREAS, upon the abolition of said offices on March 31, 1976, there are still workmen's compensation cases to be acted upon and/or finally disposed of by the defunct offices, and workmen's compensation cases brought on appeal to the Supreme Court which may be remanded for further proceedings;

'WHEREAS, since the administrative machinery exclusively empowered to take cognizance of workmen's compensation cases are already non existent, it is imperative that the Secretary of Labor be empowered to finally set on and dispose of such cases in order not to prejudice the claimants and employers thereby assuring a speedy dispensation of justice;

'WHEREAS, the Secretary of Labor must be conferred express authority to assume and exercise effective jurisdiction over such workmen's compensation cases and those cases that may be remanded by the Supreme Court for further proceedings;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

'SECTION I. Authority to Adjudicate. —The Secretary of Labor is hereby vested with additional power and authority to determine, dispose of and to take final action on workmen's compensation cases pending as of March 31, 1976 before the Workmen's Compensation Commission and the Workmen's Compensation Units in the Regional offices of the Department of Labor, and those cases remanded or to be remanded by the Supreme Court for further proceedings.

'SECTION 2. Disposition of pending cases. —All workmen's compensation cases pending before and duly docketed by the Workmen's Compensation Units in the Regional Offices of the Department of Labor and those pending before and duly docketed by the Workmen's Compensation Commission as of March 31, 1976, shall be processed and adjudicated in accordance with the law, rules and procedure existing at the time their causes of action accrued.'

Furthermore, Section 2 of Rule 24 of the internal rules and regulations of the Commission, based on the Workmen's Compensation Act No. 3428, as amended, provides thus:

"Upon receipt of an appealed case from the Regional Office, the Commissioner shall thereupon review the decision or order and the entire records of the case and render his decision thereon. He may reinvestigate or cause or order the re-investigation of the case and take or order the taking of additional testimony." (*Italics supplied*)

In spite of the fact that the Workmen's Compensation Commission was aware of the unacted motion for reconsideration filed by claimant praying for a chance to present additional evidence, the respondent Commission, unsympathetic to claimant's cause, did not at all order an investigation nor allowed claimant to adduce further evidence, thus nullifying the constitutional guarantee of social justice which is its sworn duty to effectuate.

The impending abolition of the Workmen's Compensation Commission on March 31, 1976 did not justify such grave abuse of discretion.

Be that as it may, there is no dispute that at the time of the death of Florencio Cuyno, Sr., he was under the employ of the municipality of Abuyog as municipal treasurer therein. At the time he suffered a "stroke," he was working overtime in his office. The attending physician, Dr. Lydia M. Perez, diagnosed the cause of his death as "acute heart failure severe, secondary to extensive myocardial infarction which could have been triggered off by the stress and strain inherent to the performance of his duties" (Annex "E", p. 19, rec). There is no truth therefore to the findings and conclusion of the Acting Referee and affirmed by the Workmen's Compensation Commission that there is no record of treatment, much less a Physician's Report showing the real illness or cause of his death, and that in view thereof, his death is not compensable under the existing Workmen's Compensation Law.

The rule is that, when an employee dies in line of duty, or when actually at work as in this case, his death is presumed to be service-connected and is compensable. When doubts on the cause and/or aggravating factors of the illness of the claimant arise, they must be resolved in favor of the claimant or the heirs of the deceased (Sec. 4, PD No. 442; *Uy vs. Workmen's Compensation Commission*, L-38096, May 14, 1975).

Moreover, the claim was not seasonably controverted either by the municipality of Abuyog or the Office of the Provincial Treasurer of Southern Leyte. As a matter of fact, it is aptly observed by the Solicitor General that even the provincial fiscal, who ought to represent the provincial treasurer of Southern Leyte, did not interpose any objection as he did not appear in this case. This results in a waiver of non-jurisdictional defenses. On this point, the Supreme Court ruled:

"Effect of failure to submit report of accident within required period. — Section 44 of the Workmen's Compensation Act makes it clear that in the event our accident causes death or injury to an employee the employer's right to contest or controvert a claim arises immediately and he must submit a report of the accident within fourteen days from the date of disability or within ten days after he acquires knowledge thereof. Otherwise he waives the right to question the validity or reasonableness of the claim. (*Tan him Te vs. Workmen's Compensation Commissioner*, L-12324, Aug. 30, 1958; *Victorias Milling Co. vs. Compensation Commissioner*, L-10533, May 13, 1957; *Bacharach Motor Co. vs. WCC*, L-8589, May 25, 1956; *Central Azucarera Don Pedro vs. De Leon*, L-9449, July 24, 1959)."

The employee died on January 27, 1968. As a municipal treasurer, one of the key officials of the town, his death must be known to the town officialdom and inhabitants. But the municipal government did not file any report of the death nor controvert the claim within the prescribed period.

WHEREFORE, THE DECISION OF THE RESPONDENT DEFUNCT WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE, AND THE MUNICIPALITY OF ABUYOG, SOUTHERN LEYTE. IS HEREBY ORDERED TO PAY:

1. CLAIMANT AND HIS CO-HEIRS

(A) THE SUM OF SIX THOUSAND [P6,000.00] PESOS AS DEATH COMPENSATION; AND

(B) THE SUM OF TWO HUNDRED [P200.00] PESOS FOR BURIAL EXPENSES;

2. CLAIMANT'S COUNSEL THE AMOUNT EQUIVALENT TO 10% OF THE SUM RECOVERABLE; AND

3. SIXTY-ONE PESOS (P61.00) AS ADMINISTRATIVE FEES.

NO COSTS.

SO ORDERED.

Teehankee (Chairman), Muñoz Palma, Martin, Fernandez, and Guerrero, J.J., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.