

**REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF JUSTICE),
PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION
AND CLEOFÉ R. AZAÑA, IN HER OWN BEHALF AND IN BEHALF OF
HER MINOR CHILDREN...**

G.R. No. L-29019. May 18, 1972

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

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REYES, J.B.L., Actg. C.J.:

Petition for review of the decision and resolution of the Workmen's Compensation Commission awarding compensation for the death of Judge Victoriano D. Azaña of the Goa (Camarines Sur) municipal court.

In a letter dated 28 June 1967, the Secretary of Justice was notified by the Regional Office No. VI of the Department of Labor (in Naga City) of the claim for compensation filed by Cleofé R. de Azaña for the death on 18 May 1967 of her husband, Victoriano D. Azaña, then municipal judge of Goa, Camarines Sur. It is alleged in the notice and claim for compensation that the deceased contracted chronic asthma in the course of his employment and died of it on 18 May 1967 while aboard a motorboat on the way to Sabang, San Jose, Camarines Sur. The notice was received in the Administrative Division of the Department of Justice on 20 July 1967. On 2 August 1967, the First Assistant Solicitor General informed the Department of Labor Regional Office No. VI that the government was controverting the claim.

It appears on record that the claim (R06-WCC Case No. 8698) was heard on 29 August 1967 by an acting Referee without respondent's presence, and claimant's evidence was received ex-parte. Thereafter, an award was rendered in the case granting to the claimant and her two dependent minor children full compensation in the amount of P5,200.00; reimbursement for medical expenses in the sum of P3,000.00; burial expenses for P200.00; and attorney's fees for P260.00. The respondents were further charged the sum of P85.00 as administrative fees.

The Solicitor General, on behalf of respondent Republic of the Philippines, moved for reconsideration of the award contending that the death of Judge Azaña of chronic asthma is not work-connected; neither is it directly caused nor aggravated by, or resulted from, the nature of the employment; that the award of medical expenses had no factual and legal basis, no evidence having been adduced to support the same, and claimant having failed to render a report to the employer or the Workmen's Compensation Commission on any treatment previously given to the deceased; and that the award of attorney's fees is unwarranted because the hearing was conducted without notice to respondent. Upon denial of the motion, the case was forwarded to the Workmen's Compensation Commission for review.

In a decision dated 6 March 1968, the Acting Chairman of the Workmen's Compensation Commission ruled that there was late controversion by the employer Republic of the Philippines of the claim for compensation. It was pointed out that the Department of Justice, having received the notice and claim on 20 July 1967, the posting by the Solicitor General of the controversion on 2 August 1967 was beyond the reglementary 10-day period therefor, and such delay constituted a forfeiture of all non-jurisdictional defenses available to the respondent.

Consequently, although it was also found that the Referee heard the case without notice to respondent, the award to claimants of compensation benefits and burial expenses was nevertheless affirmed. The grant of medical expenses, however, was disallowed for want of legal and factual support, while the attorneys' fees awarded to the claimants was reduced to P100.00. Respondent was further required to pay the administrative costs of P58.00. When the Republic's motion for reconsideration of the foregoing decision was denied by the Commission en banc, the present proceeding was instituted.

We are of the opinion that the appeal should be overruled and that the ten-day period prescribed by statute (Workmen's Compensation Act) for an employer to controvert a compensation claim should be counted from the date of service of the claim upon the Department of Justice, on 20 July 1967, and not from the date the papers were received by the Solicitor General, on 24 July of that year. The pretense that only the service upon the latter officer is valid for the purpose of computing the ten-day period of controversion is, in our view, highly technical, and unacceptable in compensation cases like the one before Us, not only because the Solicitor General's Office is part and parcel of the Department of Justice, but also because it is well-known that both offices occupy adjoining stories of the same building, so that it should take less than half hour for the transmission of the claim from one office to the other if the personnel were aware, as it should be, of the limited period fixed by law for controversion of compensation claims by an employer. The fact that controversion was filed by the Office of the Solicitor General 13 days after receipt of the claim by the Justice Department is, in our view, inexcusable, and must result in the forfeiture of the right to controvert said claim, as correctly held by the decision of the Workmen's Compensation Commission.

This Court has always strictly applied to private employers the rule on forfeiture of the right to controvert compensation claims by belated notices of controversion, and no reason is seen why a different norm should govern when the employer is the Republic. On the contrary, the Republic is duty-bound to set the example in the strict observance of the laws it has enacted, without seeking to shield itself in delays in the official routine, an excuse not accepted in instances where private employers are involved.

We are not unaware that in *Republic vs. Hernando*, 99 Phil. 687, and *Republic vs. De Leon*, 101 Phil. 773, this Court has ruled that service of notices of compensation claims upon the Department of Labor are disregarded, and the controversion period counted only upon receipt of the claim by the Solicitor General. But these doctrines do not control nor apply to the case at bar, because the office of the Solicitor General is independent of the Department of Labor, which exercises no supervision or control over the former office, while the Solicitor General's office is part of the Department of Justice. Neither are the Labor Department offices housed in the same building as those of the Solicitor General.

Finally, the disregard by the Chief of the Regional Office No. VI (who is in the service of the Republic, the very employer in this case) of the strictures of General Circular No. 68 issued by the General Auditing Office concerning the transmittal of claims against the Government should not be allowed to redound to the prejudice of the claimant worker or employee, who has no control over the said official, and whom the Compensation Act so clearly aims to protect. The Republic's remedy is to proceed administratively against the officer concerned, for violation of the apposite regulations.

WHEREFORE, the appealed award of the Workmen's Compensation Commission is hereby affirmed. No costs.

Makalintal, Zaldivar, Castro, Fernando, and Antonio, JJ., concur.

Teehankee, Barredo, and Makasiar, JJ., took no part.

Concepcion, C.J., on official leave.

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