

**ANTONIO PEPITO, FOR HIMSELF AND IN BEHALF OF HIS DAUGHTER,
GIRLIE C, PEPITO, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES
(BUREAU OF PUBLIC ...**

G.R. No. L-43212. July 27, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition for review on certiorari filed by petitioner Antonio Pepito for himself and in behalf of his minor daughter Girlie C. Pepito, of the decision dated February 11, 1976 of the Workmen's Compensation Commission in WCC Case No. RO7-18629, reversing the decision dated September 3, 1975 of the Workmen's Compensation Unit, Regional Office No. 7 of Cebu City.

The late Maxima Pepito was a classroom teacher of the Ides Elementary School, Kiblawan, Davao del Sur, from September 23, 1970 to September 30, 1974. When she died, she was receiving a salary of P3,792.00 per annum. After the first two years of service, she began to complain of dizziness. In 1973, she complained about her eyes and, after an examination, began to use eyeglasses. During the following summer vacation, she went to Bohol, her hometown, for medical treatment and went on sick leave beginning June 4, 1973. On June 18, 1973, she gave birth to a "baby girl" at the Bohol Provincial Hospital. About a month after delivery, she vomited and complained of severe headache. She was admitted to the Saint Jude Hospital and was attended by Dr. Ramiro. Her blood pressure was high and her condition did not improve despite medication. Six months after, she became completely blind. She was again taken to Cebu for further medical treatment. She was admitted to the Cebu General Hospital on September 29, 1974. Dr. Ramon Arcenas diagnosed her sickness as "brain tumor". On the following day, September 30, 1974, she died of "cardio respiratory arrest due to brain tumor".

On January 31, 1975, petitioner Antonio Pepito, for himself and in behalf of his minor daughter, Girlie C. Pepito, filed a claim for disability and death benefit on account of the illness and ensuing death of Maxima C. Pepito.

On September 3, 1975, the Department of Labor, Regional Office No. 7, Cebu City, rendered a decision awarding claimant disability benefit, as well as death benefit.

On January 7, 1976, or after the lapse of 3 months and 4 days, the Solicitor General filed a petition for relief from judgment and to elevate the records.

On February 11, 1976, respondent Commission rendered a decision reversing that of Regional Office No. 7, absolving the respondent Republic of the Philippines from liability under the Workmen's Compensation Act.

Respondent Commission concluded, thus:

"The deceased started to be on official sick leave of absence on June 4, 1973. Thus, it will be noted that the two (2) months before that comprised (of) the long vacation period for public school teachers, and deceased had no record of leave of absence for that aforesaid period of vacation. In fact, there is also no showing that

before the long vacation period for public schools, deceased filed any sick leave, hence, this is proof that she had no illness when the long vacation started. We are constrained to believe that she started to acquire her illness and cause of death (sic) while on vacation, and hence, there is no causal relation to employment. This conclusion is bolstered by the further detail that deceased finally died on September 30, 1974, over a year after she went on official leave, which is definitely too long for a brain tumor patient to survive.

"There is thus valid ground(s) to reverse the referee's decision, as the late Maxima died on September 30, 1974, and thus, her death did not arise out of or in the course of her employment, since she did not return to work after the long vacation for public schools and her illness lasted until the natural progress thereof did result in death and, hence, the employment factor has completely nothing to do with said illness or death" (pp. 16-17, rec.).

This conclusion of the Commission is contrary to the findings of the hearing officer of Regional Office No. 7 of the Department of Labor that:

"The late Maxima Pepito was in the government service as a classroom teacher of the Ides Elementary School, Kiblawan, Davao del Sur, from September 23, 1970 to September 30, 1974 when she died, receiving a last salary of P3,792.00 per annum (service record). After the first two years in the service, she began to complain of dizziness. In 1973, she complained about her eyes and, after an examination, began to use glasses. Despite her sufferings, she continued reporting to classes. During the following vacation, she came to Bohol, where she came from, for medical treatment and went on sick leave beginning June 4, 1973. On June 18, 1973, she gave birth to a 'baby girl' at the Bohol Provincial Hospital. About a month after such delivery she vomited and complained of a severe pain in her head. She was admitted to the Saint Jude Hospital and treated by Dr. Ramiro for 'cerebro-vascular accident'. Her blood pressure was high and her condition did not improve despite medication. Six months later, she became completely blind. Confused with her failing health, her husband, the herein claimant, took her to Cebu City for further medical treatment. She was admitted to the Cebu (Velez) General Hospital on September 29, 1974. Dr. Ramon Arcenas was her attending physician and diagnosed her sickness as 'brain tumor'. On the following day, she died of 'cardio respiratory arrest due to brain tumor'" (pp. 19-20, rec.).

The conclusion of respondent Commission that the illnesses of the deceased were not service-connected has no basis in fact and in law. The deceased complained of dizziness after the first two years of her service. And in 1973, she also complained about her eyes. It cannot be denied that such dizziness and deteriorating eyesight could be the symptoms of her sickness that caused her death, inasmuch as six months after she was treated for cerebro-vascular accident, she became completely blind. When she was admitted to the Cebu General Hospital on September 29, 1974, Dr. Ramon Arcenas diagnosed her sickness as "brain tumor". On the following day, she died of "cardio respiratory arrest due to brain tumor".

We are convinced that the sickness of Maxima C. Pepito that ultimately caused her death is service-connected. Even assuming that when she contracted her sickness it was during the long summer vacation, yet she was still under the employ of the government and there existed an employee-employer relationship, although teachers do not report for duty during this period.

Another point raised by the petitioner-claimant is that the petition for relief from judgment of the Solicitor General was filed out of time.

It is admitted that on October 3, 1975, the Office of the Solicitor General received the copy of the referee's decision. But it was only on January 7, 1976, or after a lapse of 96 days, that the Solicitor General filed his petition for relief and to elevate the record of the case. Under the rule, the referee's decision becomes final fifteen (15) days after receipt of the decision unless a timely motion for reconsideration is filed. Obviously, the petition of the Solicitor General was filed out of time. As a matter of fact, on March 18, 1976, respondent Commission

sitting en banc, issued a resolution denying the petition to elevate records for relief from judgment filed by the Solicitor General on the ground that the Commission has no longer any jurisdiction to review the referee's decision (Annex "A", p. 29, rec.).

While WE appreciate the fact that the Office of the Solicitor General is saddled with numerous cases as it is the counsel for the government and its agencies and instrumentalities, heavy pressure of work is not one of the grounds for a petition for relief from judgment. Indeed, realizing this fact, the Office of the Solicitor General had already anticipated such a contingency by devising mimeographed forms for such petition in much the same way that it has a mimeographed form for motions for extension of time to file court pleadings. A death or disability compensation claim constitutes one of the vital aspects of the social justice guarantee of the Constitution, to which the government, including the Solicitor General and his staff, must always adhere. For the necessitous man and his heirs, time is of the essence.

WHEREFORE, THE DECISION DATED FEBRUARY 11, 1976 OF THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND THE RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY DIRECTED:

I. TO PAY

A. CLAIMANT ANTONIO PEPITO AND HIS MINOR DAUGHTER GIRLIE

(1) DEATH COMPENSATION BENEFITS IN THE AMOUNT OF SIX THOUSAND (P6,000.00) PESOS; AND

(2) EXPENSES FOR MEDICAL AND HOSPITAL SERVICES, AS WELL AS BURIAL, DULY SUPPORTED BY RECEIPTS; AND

B. THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Muñoz Palma, Martin, Fernandez, and Guerrero, JJ., concur.

Teehankee, J., (Chairman), concurs, particularly on the commission's lack of jurisdiction to reverse the referee's award after the lapse of the reglementary periods to file an appeal and petition for relief from judgment. (Soliven vs. WCC, L-44763, June 30, 1977).

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