

FRANKLIN BAKER COMPANY OF THE PHILIPPINES, PETITIONER, VS. FLORENIO DIAMANTE AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. 22206. October 31, 1967

Ponente: ZALDIVAR, J.

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ZALDIVAR, J.:

This is a petition for certiorari to review the order of the Workmen's Compensation Commission dated November 6, 1963 granting additional compensation to respondent Florenio Diamante in RO5 WC Case No. 140, and the order dated November 26, 1963 denying petitioner's motion for reconsideration.

Respondent Florenio Diamante, hereinafter referred to as claimant, worked as a coconut sheller with petitioner Franklin Baker Co. of the Philippines, hereinafter referred to as company. While thus work-ing with the company, claimant contracted tuberculosis, which illness rendered him disabled for work on September 7, 1959. Claimant filed a claim for disability compensation against the company before the Regional Office of the Department of Labor at San Pablo City, Laguna. After due hearing the hearing officer rendered a decision granting compensation to claimant. The company appealed the decision of the hearing officer to the Workmen's Compensation Commission, and the Commission affirmed the decision of the hearing officer and ordered the company "to pay the claimant in lump sum the amount of TWO THOUSAND FOUR HUNDRED SIXTY-ONE and 60/100 (P2,461.60) PESOS as compensation, and beginning December 13, 1962, a weekly compensation of P14.48 until his ailment of pulmonary tuberculosis is arrested or cured, but the period of compensation shall not exceed 208 weeks in all." The decision also ordered the company "to provide claimant with such medical, surgical and hospital services and supplies as the nature of his illness may require until said ailment is arrested or cured, pursuant to Section 13 of the Act." [1]

On September 13, 1963, the company submitted a report to the Workmen's Compensation Commission stating that it had completed, the payments for the 208 weeks ending on September 4, 1963, in accordance with the decision and that the claimant was still under medical treatment by a physician.

On October 8, 1963, respondent Diamante filed with the Commission a petition for extension of the period of compensation beyond the 208 weeks upon the ground that he "is still suffering from the said illness (tuberculosis) which is disabling him up to this date; and that as a matter of fact claimant is still under treatment by the respondent company physician." [2]

The company opposed the petition, contending that Section 18 of the Workmen's Compensation Law is not applicable to the case of the claimant. Despite the opposition of the petitioner, the respondent Commission en banc, without any formal hearing, issued an order dated November 6, 1963, extending the period for the payment of compensation to the claimant beyond the 208 weeks and required the petitioner corporation to pay further weekly compensation of P14.48 until claimant's illness of pulmonary tuberculosis is declared arrested or cured, but in no case to exceed P4,000.00, maximum compensation allowed by law.

From this decision, petitioner filed a motion for reconsideration, but in a resolution dated November 26, 1963, the Commission en banc denied petitioner's motion for reconsideration for, lack of merit.

Hence the present petition for review.

The issues raised in this appeal are:

1. Whether the Commission en banc, as an appellate body, has original jurisdiction to hear and decide a petition for extension of the period of compensation under Section 18 of the Workmen's Compensation Act;
2. Whether the Commission en banc in issuing its order dated November 6, 1963, without any formal hearing, acted with grave abuse of discretion and without due process of law;
3. Whether an award of compensation which has been satisfied may still be reopened on a mere petition, and a period for payment of compensation that had already expired be further extended; and
4. Whether compensation benefits under Section 14 of the Workmen's Compensation Act covering temporary total disability may be extended beyond the general limitation of 208 weeks.

The decision and the order appealed from must be sustained.

As regards the first issue, it is clear that upon the abolition of the "Office of the Workmen's Compensation Commissioner" by operation of Reorganization Plan 20-A, the powers and duties of the "Office of the Workmen's Compensation Commissioner" was taken over by the Workmen's Compensation Commission as it now exists, and that while the term "Workmen's Compensation Commissioner" still appears in the Workmen's Compensation Act, as amended, said term refers to the position created by Republic Act No. 772 which, as already stated, was abolished by Reorganization Plan 20-A. The term Workmen's Compensation Commissioner appearing in the Workmen's Compensation Law now refers to the "Workmen's Compensation Commission" or any "Commissioner" or Commissioners", and vice versa, as stated and defined in Section 1, Rule 2 of the Rules of the Workmen's Compensation Commission. There is nothing, therefore, that prevents the Workmen's Compensation Commission convened en banc, or any one of its Commissioners, or two of its Commissioners, to act on a petition for extension of the period of compensation, as has happened in the present case. It is noteworthy, as shown in the record, that in the present case the Workmen's Compensation Commission, upon receipt of the petition of claimant Diamante for extension of the period of compensation, assigned the petition to the Commissioner who had previously, decided the original petition for compensation, and the two other Commissioners gave their concurrence to the order now sought to be reviewed. The fact that the two other members of the Workmen's Compensation Commission concurred in the findings of the Commissioner who was assigned to act on the petition for extension of the period of compensation is an indication that the Workmen's Compensation Commission had considered the petition meritorious, and that the order granting the extension was the collective ruling of the members of the Commission. We cannot see how the right of petitioner company had been prejudiced by this action of the Commission.

As regards the second, third and fourth issues, which are interrelated to each other, the evidence shows that petitioner company submitted a report, dated September 13, 1963, to the Workmen's Compensation Commission, manifesting therein that it had complied with the previous decision granting compensation to claimant Florenio Diamante and that the claimant was still under medical treatment which was being provided for by the company. It is clear, therefore, by the very report of the company that the claimant was still incapacitated for work, and consequently the Workmen's Compensation Commission was justified in allowing the extension of the period of compensation in accordance with Section 18 of the Workmen's Compensation Law, as amended. Certainly, respondent Commission had not acted with grave abuse of discretion, or in violation of, or without, due process of

law in granting the extension. The company itself had supplied the basis for the order of the Commission granting the extension.

This Court, in a previous case,[3] held that where the employer has paid compensation in accordance with the decision of the Workmen's Compensation Commission, the compensability of the case is no longer open to question and there is no more necessity for a formal hearing with more reason should it be when the employer itself, as in the present case, has provided claimant with further medical assistance, incontrovertibly evidencing claimant's further incapacity for work - a circumstance that certainly justifies an extension of the period of compensation.

The law is clear. Under Section 18 of the Workmen's Compensation Act, as amended, the Workmen's Compensation Commission is authorized to reopen a case in order to grant an extension of the period of compensation, provided the total amount awarded as compensation, does not exceed four thousand pesos. The pertinent portion of Section 18 of the Workmen's Compensation Act, as amended, upon which the Workmen's Compensation Commission relied in granting the extension of the period of compensation, reads:

"x x x Provided, however, That after, the payment has been made for the period specified by the Act in each case, the Workmen's Compensation Commissioner may from time to time cause the examination of the condition of the disabled laborer, with a view to extending, if necessary, the period of compensation which shall not, however, exceed the said amount of four thousand pesos."

Therefore, the Commission en banc in issuing its order dated November 6, 1963, without any formal hearing, could not be considered as having acted with grave abuse of discretion or without due process of law.

An award of compensation which has been satisfied may still be reopened on petition for extension of the period of compensation; and, a period for payment of compensation that has already expired may further be extended, provided the total compensation awarded does not exceed four thousand pesos as provided for in Section 18 of the Workmen's Compensation Act, although the extension goes beyond the 208 weeks provided for in Section 14 of the same Act.

In the case of *Avecilla Building Corporation v. Hon. Cesareo de Leon, et al.*, supra, this Court, resolving precisely the question regarding the extension of the period of compensation, held:

"Speaking of this right of the Workmen's Compensation Commissioner to reopen a case already decided by him, it is an innovation introduced by Republic Act 772, particularly, Section 13 thereof, amending Section 18 (last paragraph) of the original Workmen's Compensation Law, namely, Act No. 3428. Before amendment, the last paragraph of Section 18 read thus:

'The total compensation prescribed in this and the next pre-ceding section and the total compensation prescribed in sections fourteen and fifteen of this Act shall, together, not exceed the sum of three thousand pesos.'

As amended, the said last paragraph now reads as follows:

'The total compensation prescribed in this and the next pre-ceding section and the total compensation prescribed in sections fourteen and fifteen of this Act shall, together, not exceed the sum of four thousand pesos: Provided, however, That after the payment has been made for the period specified by the Act in each case, the Workmen's Compensation Commissioner may from time to time cause the examination of the condition of the disabled laborer, with a view to extending, if necessary, the period of compensation which shall not, however, exceed the said amount of four thousand pesos.'

One change introduced is the increase from P3,000.00 to P4,000.00 of the total compensation provided in the original provision. The more important change, however, is that contained in the proviso, which is the last part

of the paragraph. This legal provision empowering Workmen's Compensation Boards or Commissioners to reopen a case is contained in the Workmen's Compensation acts of many of the States of the American union, including the Territory of Hawaii. x x x

"It will be noticed, however, that while in the several states of the Union, the reopening is intended for the benefit of both employer and employee in the sense that, in case of aggravation or deterioration of the disability of the employee, the period of compensation should be extended up to a certain limit, or in case the condition of the employee improves or the disability disappears altogether, the period of compensation is shortened or compensation is stopped, our law, under Section 18, is a little one sided and is all for the benefit of the employee, for the reason that as may be gathered from the proviso the Commissioner may from time to time cause examination of the condition of the disabled laborer, with a view to extending, if necessary, the period of compensation. In this respect, there is room for improvement of the law so as to make it more equitable to both parties, labor and management. Furthermore while in the severe states of the American union, the time within which the Commissioner or reopen is limited anywhere one year to several years, our law contained in the proviso in question, sets no time limit. * *" (Emphasis supplied)

WHEREFORE, the petition for review should be dis-missed, and the decision and order appealed from should be, as they are hereby, affirmed, with costs against pe-titioner, Franklin Baker Company of the Philippines.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] Words in quotation marks are as quoted from the decision of the Workmen's Compensation Commission.

[2] As quoted from the petition for extension of period of compensation.

[3] Avecilla Building Corporation v. Hon. Cesareo Leon, et al., L-10668, September 26, 1957.

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