

NATIONAL DEVELOPMENT COMPANY, PETITIONER, VS. MAGDALENA AYSON AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. 23450, May 24, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

From 1947 to about six years thereafter, respondent Magdalena Ayson was employed in the National Development Company. On June 30, 1953, she was discharged on account of total disability for labor. At said time, her designation was that of spare weaver, at P4.45 a day. No benefits were paid by the company except the medical treatment given by the company physician.

As of the early part of 1952, Ayson was still in good health. During the later part of that year, however, following an accident in the course of her employment, she began to spit blood whenever she exerted pressure.

After medical examination, Ayson was diagnosed as suffering from pulmonary tuberculosis. As afore-stated, the National Development Co. gave her free medical treatment. She also engaged the services of a private doctor, as well as had herself treated in the Quezon Institute, and incurred other medical expenses.

Alleging that her total disability is compensable under Act No. 3428 (Workmen's Compensation Act), Ayson filed on February 27, 1961 a claim for disability compensation against the National Development Co., in the Regional Office of the Department of Labor.

Respondent company answered on August 9, 1961, disclaiming liability and alleging that, at the time of her discharge, Ayson was sick of eczema, not of PTB, and that her work in the company was light and easy.

After hearing, the Department's hearing officer rendered a decision on March 25, 1963, granting the claim and ordering respondent to pay Ayson P3,407.04 under Section 14 of the Act; P1,300.00 for medical expenses allowed under Section 13 of the same law; P170.35 for attorney's fees and P31.00 by way of fees for the proceedings.

Review of said decision was sought with the Workmen's Compensation Commission. On June 26, 1964, the Workmen's Compensation Commissioner's decision affirmed the award as to the sums of P3,407.04 and P1,300.00 and increased the attorney's fees to P255.53 plus P40.00 as fees for the WCC fund. Reconsideration thereof was sought by the company but denied by the Commission en banc in its resolution of July 28, 1964.

National Development Co., thereupon appealed to Us from the decision and resolution of the WCC.

Appellant would, firstly, raise the point of time limitation under Section 24. It is unmeritorious for it never filed an employer's report with notice of controversion, resulting in its renunciation and waiver of the defense that the claim is barred for being, filed outside of the two-month period stated in Section 24 (National Development Co. v. WCC, L-20504, March 31, 1965). And besides, claimant substantially complied with Section 24 by requesting

financial benefits from the company's Acting General Manager, within a week from the receipt of her discharge letter. Such request amounts to an advanced filing of the claim (*Saulog v. Del Rosario*, 103 Phil., 765; *Lustevenco v. WCC*, L-19742, Jan. 31, 1964).

Secondly, appellant would contend that Ayson's illness is not due to her employment, since her work was light and easy. The record shows however that claimant frequently worked in the night shift and that, before she developed PTB in 1952-1953, her work included pushing heavy wagons of cloth. Substantial evidence there-fore shows that her PTB was caused by her employment. At any rate, there is no rebutting evidence to the contrary, so that the presumption stands that an illness arising in the course of the employment arose out of it (*Agustin v. WCC*, L-19957, Sept. 29, 1964).

Regarding, lastly, the amount of the award, there is no proof that Ayson's total disability has ceased. Accordingly, full compensation for the same, as given, is warranted. And as to the grant of P1, 300.00 for medical expenses, the same is reasonable, considering that claimant was treated by a private doctor. The rest of the award is not questioned as to amount.

WHEREFORE, the decision and resolution of the Workmen's Compensation Commission in favor of claimant are hereby affirmed, with costs against appellant.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Zaldivar, Sanchez, and Castro, JJ., concur.

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