

**ATANACIA FERNANDEZ, PETITIONER, VS. MINISTER BLAS F. OPLE
AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.***G.R. No. 50083. August 21, 1980*

Ponente: FERNANDO, C.J.

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What is assailed in this petition for review on certiorari is an order of respondent Minister of Labor Blas F. Ople, affirming the previous decision of the defunct Workmen's Compensation Commission, absolving respondent Government Service Insurance System from any liability under the Workmen's Compensation Act.[1] As far back as February 27, 1973, petitioner Atanacia Fernandez filed a notice of injury or sickness and claim for compensation, alleging that her rheumatic arthritis, pulmonary tuberculosis, as well as adhesive pleuritis were directly caused and/or aggravated as the result of the nature of her employment. There was a controversion filed. After the parties were heard, the regional office of the Workmen's Compensation Commission rendered a decision finding the claim compensable and awarded her P6,000.00. The Commission en banc, however, reversed. There was a motion for reconsideration which was denied by respondent Labor Minister Ople.

The principal ground for this petition for certiorari was that the Minister of Labor erred in concluding that claimant Fernandez was not entitled to the benefits of the Workmen's Compensation Act. Respondents were required to comment and after a second extension, on April 15, 1980, submitted the same. The averments therein contained follow: "1. In Opinion No. 40 dated May 21, 1979, the Government Corporate Counsel favorably recommended to the GSIS Board of Trustees the payment of the workmen's compensation claim of petitioner Atanacia Fernandez in accordance with the Decision, dated July 12, 1973, of the Acting Referee of the Workmen's Compensation Unit, Regional Office No. IV, Department of Labor, to wit: '(1) To pay the claimant herein, Atanacia M. Fernandez * * * in lump sum payment the amount of [six thousand pesos] (P6,000.00) as disability compensation benefits; (2) To pay Atty. Nicasio Holgado, counsel for claimant the amount of [three hundred pesos] (P300.00) as attorney's fees; and (3) To pay [to the successor of the Workmen's Compensation Fund] the amount of [sixty-one pesos] (P61.00) as fees in accordance with Section 55 of the Workmen's Compensation Act, as amended.' * * * 2. Under Resolution No. 352 dated May 31, 1979, the GSIS Board of Trustees resolved to adopt Opinion No. 40 of the Government Corporate Counsel and directed the operating unit concerned to effect payment of said claim. 3. On October 16, 1979, the GSIS Manpower Compensation and Assistance Department prepared the corresponding vouchers for payment of the sums of P6,000.00, P300.00 and P61.00 to petitioner, petitioner's counsel Atty. Nicasio Holgado and the successor of the Workmen's Compensation Fund, respectively. 4. Accordingly, on October 18, 1979, three (3) separate PNB checks, number 549960 for P6,000.00, 549961 for P300.00 and 549962 for P61.00 were issued by the GSIS payable to the aforementioned parties and sent on the same day to the Workmen's Compensation Unit of the Ministry of Labor at its address at 7th Floor, Shurdut Bldg, Intramuros, Manila, for appropriate disposition thereon. 5. Upon verification from the above Labor agency, the checks were released to the parties concerned on October 26, 1979." [2]

The Comment commends itself for approval. It is indicative of the fidelity to the unbroken line of decisions

coming from this Tribunal. It is to the credit of Government Corporate Counsel Manuel M. Lazaro that one more petition, which could have been added to an already clogged docket, could thus be summarily disposed of. It is to be hoped that such an approach is not to be ignored by counsel of other government institutions. Far more important to the scheme of things where administration of justice is concerned is that petitioner-claimant received what she is entitled to under the law.

WHEREFORE, as prayed for, with the satisfaction of petitioner's claim, the petition is dismissed, the matter having become moot and academic with the receipt of the benefits accruing to her.

Barredo, Aquino, Guerrero, and De Castro, JJ., concur.

Concepcion, Jr., J., took no part.

Abad Santos, J., is on leave.

[1] Act No. 3428 (1927).

[2] Comment, 1-2.

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