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FIRST DIVISION

[G.R. No. L-45768. May 12, 1978]

DEMETRIO D. MOLET, *petitioner*, *vs.* **WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES (Department of Health)**, *respondents*.

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; APPEAL; FILING IN WRONG FORUM NOT A GROUND FOR DISMISSAL IF NO PREJUDICE IS CAUSED.** — In the interest of substantial justice, a claim for workmen's compensation should not be dismissed on the technicality that the appeal was filed in the wrong forum, no prejudice having been caused to any of the parties since all were duly served with notices of the appeal, so much so that the Referee elevated the record to the Workmen's Compensation Commission for consideration of the appeal.

2. **ID.; ID.; A SOCIAL LEGISLATION.** — The Workmen's Compensation Act is a social legislation designed to help the workingman, in obedience to the social justice guarantee of a Constitutional mandate which should guide all tribunals in resolving workmen's compensation cases.

3. **ID.; ID.; COMPENSATION CLAIM; MERITORIOUS IF SUPPORTED BY EVIDENCE AND NOT CONTROVERTED.** — A claim for workmen's compensation supported by ample documentary evidence and uncontroverted and expressly admitted by the employer is meritorious.

4. **ID.; ID.; TEMPORARY TOTAL DISABILITY; ENTITLES CLAIMANT TO COMPENSATION AND REIMBURSEMENT OF MEDICAL EXPENSES.** — In case sickness causes temporary total disability for labor, the employer shall, during such liability, pay to an injured employee a weekly compensation based on his salary plus reimbursement of medical and hospital expenses duly evidenced by proper receipts.

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APPEARANCES OF COUNSEL

Bruno S. Cabrera for petitioner.

Assistant Solicitor General Vicente V. Mendoza, Assistant Solicitor General Nathanael P. de Pano, Jr. and *Solicitor Francisco J. Bautista* for respondents.

DECISION

FERNANDEZ, *J.*:

This is a petition for *certiorari* to review the decision of the Workmen's Compensation Commission in RO5-WC Case No. 129263 entitled "*Demetrio D. Molet, claimant versus Republic of the Philippines (Department of Health), respondent*," affirming the order of the Acting Referee, Workmen's Compensation Task Force in Regional Office No. V, Department of Labor on the ground that the appeal was filed with the wrong forum and the order appealed from had become final and executory.[1]

The petitioner, Demetrio D. Molet, is the administrative officer of the Provincial Health Office in Virac, Catanduanes. On January 15, 1975, he filed a petition with the Workmen's Compensation Unit, Naga City, seeking to recover from the Department of Health compensation benefits allegedly because he had suffered from attacks of hypertension in 1953, 1963, 1968, 1969, 1972, 1973 and on December 7, 1974. The notice stated that he suffered temporary disability every time he had the attack.[2] Attached thereto was a notice of injury or sickness and claim for compensation dated December 23, 1974.[3]

The Provincial Health Officer of Virac, Catanduanes filed an employer's report of accident or sickness dated December 20, 1974 stating that he did not controvert the employee's right

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[1] Annex "O". *Rollo*. pp. 52-53.

[2] Annex "A". *Rollo*. pp. 28-30.

[3] Annex "B". *Rollo*. p. 31.

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to compensation and that the sickness was contracted "while in discharge of his duties."[4]

The physician's report on sickness or accident contains the following general remarks:

"Accordingly, the known first attack of his illness was in 1953. Because of the nature of his office work since his first attack, he is prone to have subsequent recurrence of hypertension and his nature of work aggravated his illness. Aside from this illness, due to the nature of his work from the start of his government service, he is exposed to contract pulmonary infection. So much so, that since his entrance to duty in 1938 up to the present, pulmonary infection is usually expected. The time element is more than enough to acquire the disease and all these aggravated his health to the nature of his.

Date of-(Sickness: December 7, 1974.
(Accident: _____, 197_.
(Examination: December 12, 197___.

(SGD.) ILLEGIBLE
Signature of Physician —
EBMC Virac, Catanduanes
Address"[5]

The Compensation Rating Medical Officer of Regional Office No. 6, Department of Labor, submitted to the administrator of said region the following findings and evaluation of disability:

"Republic of the Philippines
Department of Labor
REGIONAL OFFICE NO. 6
Naga City

7-30, 1975

The Administrator
Regional Office No. 6
Naga City.

In re: Molet, Demetrio Case No. 129263
(Name of Sick or Injured Laborer)

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[4] Annex "C", *Rollo*, p. 32.

[5] Annex "D", *Rollo*, p. 33.

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Age: 60 Occupation: Adm. Officer
Employer: Provincial Health Office

Sir:

In compliance with your letter (Date) a physical examination was performed on the above-named laborer and the findings and evaluation of disability are as follows:

In a fairly dev. walking, male, complaining of hypertesion since 1953 Findings — 160/90 — 200/120 — X-ray: Koch's rt. apex, minimal — pulmonary treated — hypertensive — pulmonary minimal — Luz V. Laynes — Eastern Bicol Med. Center, Virac, Catanduanes.

— other parts of the body normal

Temporary Total Disability: one year B-occurrence
Temporary Partial Disability: _____
Temporary Partial Disability: 34% N.S.D.
Permanent Total Disability: _____

REMARKS AND RECOMMENDATIONS: In connection with your request for fairness of your med. reimbursement a total of seven hundred is allowed while emergency treatment from injuries ₱700 - OA. weekly.

(Sgd.) DEMETRIO D. MOLET
(Signature of Applicant)

(Sgd.) V. R. RAMIREZ M. D.
(Compensation Rating Medical Officer)[6]

The petitioner also submitted medical certificates issued on December 12, 1974 by the Eastern Bicol Medical Center, Virac, Catanduanes (Annex "I" and Annex "I-1", Petition) and his approved sick leaves for the years 1963 and 1969. (Annex "J" and Annex "K", Petition, respectively), attesting to the fact than on and off the petitioner had been suffering from hypertension.

Despite the foregoing established facts, the Acting Referee of the Compensation Task Force dismissed the claim for lack of merit in the following:

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[6] Annex "H", *Rollo*, p. 40.

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"O R D E R

DEMETRIO D. MOLET of Virac, Catanduanes filed a Notice of Injury or Sickness and Claim for Compensation seeking to recover from the Department of Health, compensation benefits alleging that he has been suffering from on and off attacks of hypertension which started first in 1953, 1968, 1973 and finally on December 7, 1974. Claimant is the Administrative Officer of the Provincial Health Office in Virac, Catanduanes. In his Notice and Claim, there is however, no showing of the period of disability. It merely mentions that he has suffered temporary disability everytime he had the attack but always, thereafter, he returned to the service. Obviously, claimant has not suffered any physical disability as a consequence of his alleged illness of hypertension. Clearly, claimant is still in the service up to the present. Compensable ailments under the Act, are those which produce physical disability for work or that which impairs the earning capacity of the employee. It is very clear from the records and from the claimant's allegation in his Notice of Injury that he has not suffered any physical disability from the alleged injury.

In view hereof, this case is hereby dismissed for lack of merit.

SO ORDERED.
Legaspi City, Philippines, November 17, 1975.

(SGD.) ESTRATONICO S. ANANO
Acting Referee
Compensation Task Force"[7]

Although the appeal of the petitioner was addressed to the President of the Philippines, copies thereof were furnished to the Solicitor General, the Secretary of Labor, and the Acting Referee, Compensation Task Force, Regional Office No. V at Legaspi City.

The Workmen's Compensation Commission rendered the following:

"D E C I S I O N

This is a review of the Order of Acting Referee and Workmen's Compensation Task Force, Estratonico S. Anano, formerly assigned

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[7] Annex "L". *Rollo*. pp. 45-46.

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to Regional Office No. V, Department of Labor, to help that Region dispose its cases, which dismissed this claim for lack of merit.

The records show that claimant, upon receipt of the Order of Dismissal, filed an appeal with the Office of the President of the Philippines, and furnished the Regional Office below a copy thereof. Acting Referee Genaro C. Hidalgo in turn elevated this entire records to his Commission for review.

The issue now to be resolved is whether said appeal should be given due course by this Commission, the same having been filed with the wrong Forum.

Section I, Rule 19 of the Rule of this Commission states:

> 'SECTION 1, When and With Whom Filed - A party who is not satisfied with the decision or Order on the merit of the Hearing Officer of Referee may, within fifteen (15) days from receipt of notice thereof, file with the Hearing Officer or Referee having control of the case a petition for the review or motion for the reconsideration of said decision or order.'

As the appeal was filed in the wrong Forum and as it appears that the Order of the Acting Referee below had become final and executory, we find no reason for disturbing or amending the same.

WHEREFORE, the Order sought to be reconsidered, now being final and executory, no appeal having been perfected within the reglementary period, pursuant to the Rules of this Commission, is hereby, AFFIRMED and respondent absolved from any liability under the Workmen's Compensation Act, as amended.

SO ORDERED.
Quezon City, Philippines.
January 26, 1976.

ORIGINAL SIGNED
HERMINIA CASTELO-SOTTO, M.D.
Associate (Medical) Commissioner

I CONCUR:

ORIGINAL SIGNED
EUGENIO I. SAGMIT, JR.
Associate Commissioner"[8]

[8] Annex "O", *Rollo*, pp. 52-53.

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The claim for compensation of the petitioner is meritorious. The commission is after all but an administrative agency and it may be safely assumed that the Office of the President properly remanded the appeal to the said commission. No prejudice was caused any of the parties since all were duly served with notices of the appeal, so much so that the Referee duly elevated the record to the commission for consideration of the appeal. The claim should not be brushed aside on the technicality that the petitioner appealed to the wrong forum. In the interest of substantial justice, We consider the appeal to the commission as having been timely filed and now rule on the merits.[9]

The Workmen's Compensation Act is a social legislation designed to help the workingman (*ITEMCOP vs. Florzo*, 17 SCRA 1104, 1110), in obedience to the social justice guarantee of the Constitution. This basic mandate of the fundamental law should guide all tribunals in resolving similar issues involved in the case at bar.[10]

The Department of Health, employer of the petitioner, did not controvert the claim of the petitioner. In fact, the said employer admitted that the petitioner's sickness was contracted "while in discharge of his duties."

In *Dinaro vs. Workmen's Compensation, et al.*,[11] this Court held:

"Respondent Commission's peremptory dismissal of the claim was clear error and must be set aside, since respondent not only had failed to controvert the claim and thereby renounced all non-jurisdictional defenses but had expressly admitted the petitioner's right to compensation and therefore an outright award without the need of further hearing should have been issued.

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[9] *Philippine Blooming Mills Employees Organization vs. Philippine Blooming Mills Co., Inc.*, 51 SCRA 189, 216.

[10] *Vda. de Leorna vs. Workmen's Compensation Commission*, 73 SCRA 228, 231.

[11] 70 SCRA 292, 295.

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Petitioner's ample documentary evidence in support of his claim as hereinabove listed shows the utter lack of basis for respondent commission's gratuitous pronouncement as to the lack of 'sufficient evidence' to sustain petitioner's claim. Considering that the claim was uncontroverted and expressly admitted, there is no justification for respondent commission to impose a new requirement that the physician's report be verified for it to be considered 'substantial or sufficient.'"

The Compensation Rating Medical Officer of Regional Office No. 6, Department of Labor, reported that the sickness of the petitioner resulted in temporary total disability of "one year B-occurrence" and permanent partial disability of "34% N.S.D."

Section 14 of the Workmen's Compensation Act provides:

"SEC. 14. Total disability — In case the injury or sickness causes temporary total disability for labor, the employer shall, during such disability, pay to the injured employee a weekly compensation equivalent to sixty per centum of his average weekly wage but not less than fourteen pesos per week, except in the case provided for in the next following paragraph. No compensation shall be allowed for the first three calendar days of incapacity resulting from an injury except the benefits provided for in the preceding section; but if the incapacity extends beyond that period, compensation shall be allowed from the first day of such incapacity. Such weekly payments shall in no case continue after the disability has ceased, nor shall the aggregate sum paid as compensation exceed in any case six thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of injury.

In the case of an employee whose average weekly wages are less than fourteen pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be fourteen pesos in such case. In the event that the total disability begins after a period of partial disability, the amount of compensation due for the latter and for any other disability shall not exceed the maximum amount of six thousand pesos."

At the time the notice of sickness was filed the petitioner was receiving a monthly salary of ₱470.00.

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On the basis of a temporary total disability of one year B-occurrence the petitioner is entitled to Three Thousand Five Hundred Forty Pesos (₱3,540.00) as compensation. He is also entitled to reimbursement of his medical and hospital expenses duly evidenced by proper receipts.

WHEREFORE, the decision of the respondent Workmen's Compensation Commission is hereby set aside and the respondent Republic of the Philippines (Department of Health) is ordered:

1. To pay the petitioner Demetrio D. Molet the sum of Three Thousand Five Hundred Forty Pesos (₱3,540.00) as compensation for temporary total disability for one year B-occurrence;

2. To reimburse the petitioner his medical and hospital expenses duly evidenced by proper receipts;

3. To pay the petitioner's counsel the amount of Five Hundred Pesos (₱500.00) as attorney's fees; and

4. To pay the successor of the respondent Commission the administrative fees provided by Section 55 of the Workmen's Compensation Act.

SO ORDERED.

Teehankee (Chairman), Makasiar, Santos, and *Guerrero, JJ.*, concur.