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FIRST DIVISION

[G.R. No. L-45271. December 18, 1979]

EMIGDIO BAÑEZ, *petitioner, vs.* **REPUBLIC OF THE PHILIPPINES (Bureau of Public Schools), WORKMEN'S COMPENSATION COMMISSION, defunct; and/or the Secretary of Labor; and/or THE COMPENSATION APPEALS & REVIEW STAFF, Department of Labor,** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; COURTS; SUPREME COURT; HAS INHERENT POWER TO SUSPEND THE RULES.**— The foregoing explanation of petitioner is reasonable. It is a fact that upon the abolition of the Workmen's Compensation Commission, there was a period when it was difficult to obtain copies of the records because of the transfer of the same to the office of the then Secretary of Labor. The petitioner acted as soon as he obtained the records necessary to support his petition for *certiorari*. In as much as the claim of the petitioner is manifestly meritorious, there is basis for the exercise of the inherent authority of this Court to suspend the rules and to exempt this case from said rules.

2. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; CLAIM FOR COMPENSATION; MAY BE FILED WITHIN TEN YEARS FROM DATE OF DISABILITY.**— This Court has previously held that a claim can be filed within ten (10) years from the date that the disability started.

3. **ID.; ID.; DISPUTABLE PRESUMPTION OF COMPENSABILITY APPLIES IN CASE AT BAR; EFFECT.**— It is not disputed that the ailments of the petitioner supervened during his employment with the respondent Bureau of Public Schools. Hence, there is a disputable presumption that the claim is compensable. The claimant is relieved of the duty to prove causation as it is legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the ailment is not compensable. Moreover, the

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petitioner presented the physician's report "Exhibit C", showing that his illnesses were caused by his employment with the Bureau of Public Schools. The respondent, Bureau of Public Schools, not only failed to adduce evidence to show that the ailment of the petitioner was neither caused nor aggravated by his employment as public school teacher but failed to controvert the claim.

DECISION

FERNANDEZ, *J.*:

This is a petition to review the decision of the Workmen's Compensation Commission which reversed the decision of the Acting Referee of Regional Office No. 4, Manila, in R04-WCU Case No. 133139 entitled "*Emigdio Bañez, Claimant, versus, Republic of the Philippines (Bureau of Public Schools), Respondent*" and dismissed the claim for compensation for lack of merit.[1]

On July 6, 1972, Emigdio Bañez filed a notice and claim with the Workmen's Compensation Unit, Regional Office No. 4 at Manila, to recover compensation by reason of his illnesses of PTB and cardiac insufficiency which allegedly supervened during his employment as classroom teacher with the Bureau of Public Schools. The respondent Bureau of Public Schools did not controvert the claim. The Acting Referee, Celso C. Ladera, rendered a decision dated October 13, 1975, the dispositive part of which reads:

"DECISION is therefore entered in favor of the claimant and the respondent is hereby ordered to pay the following:

1. To the claimant, thru this Office, the amount of ₱3,538.80 as compensation under Section 14 of the Act;

2. To Atty. Felizardo Moreno, counsel for the claimant, the amount of ₱176.90 as Attorney's fee pursuant to Section 31 of the Act; and,

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[1] Annex "C", *Rollo*, pp. 16-17.

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3. To this Office, the amount of ₱36.00 as fee pursuant to Section 55 of the Act.

SO ORDERED.

Manila, Philippines, October 13, 1975."[2]

The respondent, Republic of the Philippines (Bureau of Public Schools), filed a motion to set aside the award. Said motion was denied and the case was elevated to the Workmen's Compensation Commission on appeal.

The Workmen's Compensation Commission rendered a decision dated December 31, 1975 which reversed the decision of the Acting Referee and dismissed the case for lack of merit.[3]

The record of the case shows that the claimant, Emigdio Bañez, now petitioner, was employed by the respondent, Bureau of Public Schools, as public school teacher with a salary of ₱254.00 per month; that sometime in 1968, the claimant became sick of PTB and cardiac insufficiency by reason of which he went on sick leave of absence until he retired on August 5, 1968 at the age of 63 years; that according to the physician's report, Exhibit "C", the claimant's ailments were due to, and aggravated by, his employment.

The instant petition for *certiorari* was filed on December 22, 1976.

The respondents contend that the petition for *certiorari* was filed out of time in as much as the petitioner received a copy of the decision of the Workmen's Compensation Commission on March 4, 1976. Moreover, when the petitioner filed his claim on July 6, 1972 he was no longer employed by the respondent, Bureau of Public Schools, because he had retired earlier on August 5, 1968.

The petitioner alleged that he could not file his petition for *certiorari* with this Court before December 22, 1976 because:

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[2] Annex "A-1". *Rollo*. p. 12.

[3] Annex "C". *Rollo*. pp. 16-17.

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"(4) On December 31, 1976, the defunct Commission, thru then Associate Medical Commissioner Herminia Castelo-Sotto M.D., concurred in by Associate Commissioner Eugenio I. Sagmit, Jr., rendered a decision in the said case, reversing the decision promulgated by Regional Referee Celso C. Ladera and in effect dismissed the petitioner's claim, allegedly for lack of merit. A certified duplicate copy of the said Decision is hereto attached as Annex 'C' and 'C-1' and also made integral part of this petition.

"(5) The undersigned counsel received a copy of the defunct Commissioner's Decision only last March 4, 1976, and within the reglementary period to interpose appeal and/or petition for review before the Honorable Court, undersigned counsel dispatched his representatives to the Offices of the then Workmen's Compensation Commission to ascertain and verify the correct status of the case only to be informed and advised to wait until June or July, 1976 when all the records of the WCC would then be transferred to the Office of the Secretary of Labor and thus to make their follow up with the said Office.

"(6) Come June and July, 1976 and the personnel of the Department of Labor in Intramuros, Manila were still in a quandary as to how they would entertain claimants following up their claims and thus, undersigned's representatives were again made to come back some other days.

"(7) It was only sometime in September, 1976 that a certain group of personnel which was constituted by no less than the Secretary of Labor himself and was named as the COMPENSATION APPEALS & REVIEW STAFF to entertain claimants in workmen's compensation cases. Nevertheless records of cases could not readily be found and undersigned's counsel were advised to come back some other day.

"(8) On December 6, 1976, undersigned counsel filed an *ex-parte* petition for issuance of certified xerox copies of documents to be used in the instant petition for *certiorari*, a certified duplicate copy of which is hereto attached as Annex 'D' and also made integral part of this petition."[4]

The foregoing explanation of petitioner is reasonable. It is a fact that upon the abolition of the Workmen's Compensation

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[4] Petition. *Rollo*. pp. 3-4.

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Commission, there was a period when it was difficult to obtain copies of the records because of the transfer of the same to the office of the then Secretary of Labor. The petitioner acted as soon as he obtained the records necessary to support his petition for *certiorari*. In as much as the claim of the petitioner is manifestly meritorious, there is basis for the exercise of the inherent authority of this Court to suspend the rules and to exempt this case from said rules.[5]

The contention of the respondents that the claimant cannot recover any compensation because when he filed the claim he had retired from the Bureau of Public Schools has no merit. This Court has previously held that a claim can be filed within ten (10) years from the date that the disability started.[6]

It is not disputed that the ailments of the petitioner supervened during his employment with the respondent Bureau of Public Schools. Hence, there is a disputable presumption that the claim is compensable.[7] The claimant is relieved of the duty to prove causation as it is legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the ailment is not compensable.[8] Moreover, the petitioner presented the physician's report "Exhibit C", showing that his illnesses were caused by his employment with the Bureau of Public Schools. The respondent, Bureau of Public Schools, not only failed to adduce evidence to show that the ailment of the petitioner was neither caused nor aggravated by his employment as public school teacher but failed to controvert the claim.

The Acting Referee correctly computed the compensation of the petitioner as follows:

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

[6] *Leonardo vs. Workmen's Compensation Commission*, 88 SCRA 58.

[7] 44 *Workmen's Compensation Act; Justiniano vs. Workmen's Compensation Commission*, 18 SCRA 677.

[8] *Balanga vs. Workmen's Compensation Commission, et al.*, 83 SCRA 721.

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"Under Section 14 of the Act, the claimant is entitled to ₱3,538.80 as compensation computed at 60% of his average weekly wage for 104 weeks."[9]

The petitioner is also entitled to reimbursement of his hospitalization and medical expenses upon presentation of proper receipts.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the respondent, Republic of the Philippines (Bureau of Public Schools), is ordered:

1. To pay the claimant the amount of Three Thousand Five Hundred Thirty Eight Pesos and Eighty Centavos (₱3,538.80) as compensation benefit;

2. To reimburse the petitioner hospitalization and medical expenses supported by proper receipts;

3. To pay counsel for the petitioner attorney's fees in the amount of Three Hundred Fifty Three Pesos (₱353.00); and

4. To pay the successor of the Workmen's Compensation Commission the amount of Sixty-one Pesos (₱61.00) as administrative fee.

SO ORDERED.

Makasiar, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

Teehankee, J., took no part.

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[9] Annex "A", *Rollo*, p. 11.