

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**EDUARDO LAGINLIN,
*Petitioner,***

-versus-

**G.R. No. L-45785
March 21, 1988**

**WORKMEN'S COMPENSATION
COMMISSION and CANLUBANG
SUGAR ESTATE, C.J. YULO and SONS,
*Respondents.***

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D E C I S I O N

PADILLA, J.:

This is a Petition for Review on *Certiorari* of the Decision^[1] of the now defunct Workmen's Compensation Commission absolving private respondents Canlubang Sugar Estate and C.J. Yulo and Sons from any liability to the petitioner under the Workmen's Compensation Act.

Petitioner Eduardo Laginlin started his employment with the private respondents as a field worker on 12 December 1955, with specific duties to plant sugarcane and weed the sugarcane plantation owned by respondents, working seven (7) days a week from Monday to Sunday, with a salary of P4.60 a day. In 1967, and while working for

the private respondents, petitioner started to suffer an illness which, according to the diagnosis of private respondents' physician, Dr. Bunye, was pulmonary tuberculosis. Petitioner was treated as an outpatient and was given free medicine by private respondents while he continued to perform his work. Despite said treatment, petitioner's health failed to improve, and as a consequence, Dr. Bunye recommended his retirement and, on that basis, he was retired effective 30 January 1970, receiving a disability retirement benefit from the private respondents in the amount of P1,800.00.^[2]

On 15, February 1975, petitioner filed a claim for disability benefits under the Workmen's Compensation Act for the ailment which he contracted as a result of his employment, docketed as R05-W.C. Case No. C-2772.^[3] To facilitate the disposition of all unresolved cases pending before the Workmen's Compensation Unit of San Pablo City, the parties were required to submit their affidavit and counter affidavit to sustain their respective stands. Private respondents failed to seasonably controvert the claim of petitioner by not submitting their counter affidavit; thus the case was deemed submitted for resolution on the merits.^[4]

On 15, October 1975, a Decision^[5] was rendered by the hearing officer in favor of petitioner. The dispositive part of the decision reads as follows:

“WHEREFORE, judgment is rendered in favor of the claimant and against the respondent, the latter is directed as follows:

1. To pay the claimant, thru this Unit, the sum of FOUR THOUSAND NINE HUNDRED SIXTY-THREE AND FORTY-FIVE CENTAVOS (P4,963.45) representing disability benefits computed as follows:

Claimant's disability began on January 30, 1970 and up to October 15, 1975, date of decision, is 2,183 days or 296 6/7 weeks equals P4,963.45. (Section 14).

2. To pay the claimant, thru this Unit, a weekly compensation of P16.72 beginning October 16, 1975 and weekly thereafter until his illness is declared arrested by competent

authority but in no case shall the total benefits exceed P6,000.00 including the first lump sum; (Section 14).

3. To pay Mr. Feliciano Reyes, 339 Elizondo St., Quiapo, Manila, the sum of TWO HUNDRED FORTY-EIGHT PESOS AND TWENTY CENTAVOS (P248.20) as attorney's fee under Section 55 of the Act, as amended.

Respondent is further ordered to pay to this Unit, the sum of P50.00 by way of decision fee pursuant to Section 55 of the Act, as amended.

SO ORDERED.”

Private respondents appealed said decision to the Workmen's Compensation Commission. On 30 December 1975, the Commission reversed the decision of the hearing officer, thus absolving private respondents from any liability under the Workmen's Compensation Act; hence, this petition for review on *certiorari*.^[6]

The main issue presented for resolution in this case is whether or not the Workmen's Compensation Commission erred in reversing the decision of the hearing officer holding private respondents liable to petitioner.

Before resolving the main issue in this appeal, we will resolve the incidental issue of the timeliness of the filing of this petition. Private respondents allege that this petition was filed out of time. In turn, petitioner claims that he received a copy of the WCC decision, dated 30 December 1975, only on 4 March 1977, after he went to the Department of Labor office in San Pablo City to verify the status of his claim. Under the rules of the Workmen's Compensation Commission, the decision of a Commissioner or referee is appealable to the Commission en banc within ten (10) days from receipt of the decision; however, an appeal from the decision of the Commission en banc through a petition for *certiorari* to the Supreme Court may be taken within fifteen (15) days from receipt or notice of the Commission's Decision.^[7] The petitioner, in the case at bar, filed with this Court on 14 March 1977 his first motion for extension of time to

file petition for *certiorari*. The petition itself was filed on 13 April 1877, or within the extended period granted by the Court.

It is further alleged by private respondents that copy of the WCC decision was served upon petitioner's representative, Mr. Feliciano Reyes,^[8] on 18 February 1976, as evidenced by a copy of the notice of the Decision.^[9] Upon careful examination of said notice of decision addressed to both petitioner's representative and to private respondents' counsel, we note that there is only one initial of the recipient thereof, and this appears at the bottom part of said notice together with the date and time of receipt, but it does not state as to whether it was received on behalf of petitioner's representative or for private respondents' counsel. Neither does the certification issued by the Workmen's Compensation Unit of San Pablo City that the case was terminated and considered closed as of 21 December 1976,^[10] prove that copy of the 30 December 1975 decision of the Commission had been served upon the petitioner or his representative.

Another piece of evidence presented by private respondents to prove their claim that the decision of the Commission has already become final and unappealable is a xerox copy of the registry return receipt addressed to petitioner's representative which is not, however, numbered or postmarked at all by the post office.^[11]

But assuming that this petition for *certiorari* was filed out of time, a few days of delay in filing the petition should not deprive herein petitioner of his right to appeal, based on a mere technicality and where the decision appealed from is blatantly erroneous in denying the petitioner his right to disability compensation under the law.

Dismissal of appeals based on purely technical grounds should be frowned upon. A hearing, on the merits, of bona fide appeals should be encouraged. Rules of procedure are intended to promote not to defeat substantial justice; therefore, they should be applied in a very rigid and technical sense.^[12] In *Serrano vs. Court of Appeals*,^[13] it was held that:

“And even assuming that a petition for review is filed a few days late, where strong considerations of substantial justice are manifest in the petition, this Court may relax the stringent

application of technical rules in the exercise of our equity jurisdiction. In addition to the basic merits of the main case, such a petition usually embodies justifying circumstances which warrant our heeding the petitioner's cry for justice, in spite of the earlier negligence of counsel.'

Furthermore, the objective of the Workmen's Compensation Act is to secure workmen and their dependents from becoming objects of charity, by providing for a reasonable compensation for such accidental calamities as are incidental to their employment.^[14] As a social legislation, its provisions should be interpreted liberally to give effect to its purpose and the Rules of Court are merely suppletory in the application of such Act.

Coming now to the merits of the case, it is evident that the Workmen's Compensation Commission committed a grave error in absolving private respondents from liability. Ample jurisprudence has now been established that, where the illness or disease was contracted by the employee in the course of his employment, said employee is entitled to disability compensation under the Workmen's Compensation Act. Compensability is presumed where illness supervened during employment and, with the presumption of compensability of illness, the burden of proof is shifted to the employer and the employee is relieved of the duty to show causation.^[15]

An x-ray examination is not even essential to prove the claim of the petitioner for disability compensation due to illness which he contracted while under the employ of private respondents. In fact, it was private respondents' company physician who examined the petitioner and, finding him to be suffering from pulmonary tuberculosis, made a recommendation for petitioner's retirement before he reaches the retireable age under the law. In view of the approval by private respondents of the petitioner's early retirement, the fact of his disability was placed beyond question of doubt.^[16] Furthermore, the disease of tuberculosis is an occupational disease or work-connected in such occupations, as that of a teacher, laborer, driver, land inspector and other similar occupations; hence compensable.^[17] As held in *Aribon vs. WCC*, (139 SCRA 492):

“In this case, however, it is patent from the records that the diagnosis of the petitioner’s illness was clinically obvious. The petitioner had undergone examination by three doctors who uniformly attested to the fact of his ailment was peptic ulcer. The petitioner was initially treated by the respondent company’s Canlubang Hospital and no less than its own company doctor diagnosed his ailment as peptic ulcer and recommended him for retirement. There was no need, therefore, for the petitioner to produce any G.I. Series. Since the case of Vallo vs. Workmen’s Compensation Commission (73 SCRA 623 [1976]) this Court has categorically ruled in unbroken line of cases, the most recent of which is Donato Jereza vs. Workmen’s Compensation Commission (G.R. No. L-42916, August 7, 1985) that a medical report of an attending physician may be received as evidence and used as proof of the fact in dispute and that an x-ray or some other laboratory report may sometimes be dispensed with.”

Moreover, private respondents during the initial stage of the case before the hearing officer of the Commission, failed to controvert or refute the claim of petitioner, as a result of which, the presumption of compensability became conclusive, and the claimant was no longer required to substantiate his claim for compensation.^[18]

The holding of the Commission to the effect that it finds no valid reasons to sustain the grant of disability benefit to petitioner because the report of Dr. Eusebio Panganiban, the attending physician, with a finding that the petitioner is suffering from pulmonary tuberculosis far advanced, appears to be tampered and that no other evidence was presented, is not sufficient to overthrow the presumption of compensability. As held by this Court, the evidence necessary to destroy the legal presumption of compensability must do more than create a doubt. It should be such as a reasonable mind must accept as adequate to support a conclusion.^[19]

The early retirement of an employee due to work-related ailment proves that indeed the employee was disabled totally to further perform his assigned task, and to deny permanent total disability benefits when he was forced to retire would subvert the very essence and purpose of the Workmen’s Compensation Act to implement the

social justice provision of the Constitution.^[20] Where an employee was forced to retire at an early age due to his illness, and illness persisted even after retirement, resulting in his present unemployment, such condition amounts to total disability which should entitle him to the maximum benefits allowed by law.^[21]

The fact that petitioner received a retirement benefit from his employer does not bar him from being entitled to a disability compensation benefit under the Workmen's Compensation Act, having in mind that the purpose of the disability benefit is separate and distinct from the retirement benefit given to an employee upon reaching the age of retirement. The disability benefit under the Act is to compensate the worker for his actual loss, for his disablement to earn wages in the same kind of work which he is disablement to earn wages in the same kind of work which he is engaged in, or work of similar nature. On the other hand, the retirement benefit is intended to help the employee enjoy the remaining years of his life, lessening the burden of worrying for his financial support and as a form of reward for his loyalty and service to the employer.

WHEREFORE, in view of the foregoing, the Petition is **GRANTED**. The Decision of the Workmen's Compensation Commission, dated 30 December 1975, is **REVERSED** and a new one is hereby entered **AFFIRMING** the Decision of the hearing officer of the Workmen's Compensation Unit of San Pablo City, dated 15 October 1975. This Decision is immediately executory.

SO ORDERED.

Yap, Melencio-Herrera, Paras and Sarmiento, JJ., concur.

[1] Penned by Eugenio I. Sagmit, Jr., Associate Commissioner, with the concurrence of Herminia Castelo-Sotto, M.D., Associate (Medical) Commissioner.

[2] Rollo, pp. 22-23.

[3] Petition for Review on *Certiorari*, Rollo, p. 10.

[4] Rollo, pp. 22-24.

[5] Written by Emilio B. de Villa, Hearing Officer of the Workmen's Compensation Unit of San Pablo City.

[6] Rollo, p. 26-27.

- [7] Davao Gulf Lumber Corp. vs. del Rosario, L-15978, December 29, 1960, 110 Phil. 532.
- [8] Under the Workmen's Compensation Act, the claimant may be represented by a non-member of the bar in filing a claims before the Commission.
- [9] Annex I of Private Respondents Comment, Rollo, p. 50.
- [10] Annex I, Co-respondent's Comment, Rollo, p. 51.
- [11] Annex I, Memorandum for Private Resp., Rollo, p. 84.
- [12] Director of Lands vs. Romaniban, 131 SCRA 431.
- [13] 139 SCRA 186.
- [14] Murillo vs. Mendoza, 66 Phil. 689.
- [15] Abcede vs. WCC, 138 SCRA 53.
- [16] Vielones vs. ECC, 92 SCRA 320.
- [17] Labenia vs. WCC, 140 SCRA 437.
- [18] Balatero vs. WCC, 140 SCRA 437.
- [19] Lizardo vs. WCC, 89 SCRA 77.
- [20] Gonzaga vs. ECC, 127 SCRA 443.
- [21] Aribon vs. WCC, 139 SCRA 492.