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SECOND DIVISION

[G.R. No. L-43540. March 14, 1979]

ALBERTO FLORES, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and the DEVELOPMENT BANK OF THE PHILIPPINES,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; COMPENSABLE ILLNESS; INCLUDES DIABETES MELLITUS.** — In *Sevilla vs. Workmen's Compensation Commission, et al.*, L-44221, Aug. 31, 1978, the Supreme Court upholding the compensability of diabetes mellitus held: "While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree to the development of the disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show the hypothesis on which he bases his claim is probable."

2. **ID.; ID.; ID.; SUPERVENING ILLNESS PRESUMED COMPENSABLE.** — The exact medical cause of the illness of an employee is not significant, for, granted for argument's sake, that the evidence of the claimant is insufficient to show a causal link between the nature of his employment and his ailment, under the provisions of Section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that the claimant's illnesses which supervened at the time on employment, either arose out of, or was at least aggravated by, said employment, and that with this legal presumption, the burden of proof shifts to the employer, and the employee relieved of the burden to shoe causation.

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3. ID.; ID.; ID.; EARLY RETIREMENT DUE TO THE DISABILITY GIVES RISE TO PRESUMPTION OF COMPENSABILITY. — Petitioner had for several times been hospitalized for various illnesses complained of. He was even forced to retire before he could reach the compulsory age for retirement due to his disability. The facts of hospital confinement and early retirement from the service give rise to the legal presumption that petitioner's illnesses arose out of or were at least aggravated by the employment and the burden of proof (of non-work connection) shifts to the employer.

4. ID.; ID.; ID.; PHYSICIAN'S MEDICAL OPINION CANNOT PREVAIL OVER PRESUMPTION ESTABLISHED BY LAW. — The employer's reliance on the medical opinion of the physician in its medical department that claimant's illness of diabetes mellitus is one inherent in the individual and cannot be caused or aggravated by the nature of his employment utterly fails in the face of the ruling that mere opinion of doctors cannot prevail over the presumption established by law.

***5. ID.; WORKMEN'S COMPENSATION ACT; INTERPRETATION;* WORKMEN'S COMPENSATION ACT INTERPRETED LIBERALLY.** — Denying benefits to petitioner who has spent the best years of his life in the public service (for 33 years) and who was forced to retire therefrom at an early age due to illnesses which supervened during the course of his employment, violates the social justice mandate of the Constitution. Besides, the Workmen's Compensation Act — as a social legislation intended to give relief to the workmen in the event that he should die or sustain an injury or sickness in the pursuit of his employment — should be liberally construed to attain its laudable objective.

ANTONIO, *J., dissenting*:

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; COMPENSABLE ILLNESS; DOES NOT INCLUDES DIABETES MELLITUS. — It does not appear that the diabetes mellitus was due to causes and conditions of and peculiar to claimant's employment, much less was it aggravated by the nature of his work.

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AQUINO, *J., dissenting:*

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; COMPENSABLE ILLNESS; DOES NOT INCLUDES DIABETES MELLITUS. — I agree with the WCC that diabetes, as an idiopathic disease, is not work-connected and was not aggravated by claimant's work and, hence, is not compensable.

APPEARANCES OF COUNSEL

Rolando V. Velasco for petitioner.
Denis D. Bengzon & Jesus A. Avanceña for respondent Bank.

D E C I S I O N

SANTOS, *J.*:

This is a petition for review filed May 13, 1976 of the decision dated December 30, 1975 of the Workmen's Compensation Commission in WCC Case No. 18094, entitled "*Alberto Flores vs. Development Bank of the Philippines,*" which reversed the award by the Hearing Officer in favor of the petitioner on the ground that the latter's diseases — *diabetes mellitus*, asthmatic bronchitis, pneumonitis and hypertension — were not service-connected and therefore not compensable under the Workmen's Compensation Act.

On May 19, 1976, We resolved without giving due course to the petition to require the respondents to comment thereon.[1] On June 14, 1976, respondent Development Bank of the Philippines (DBP) through counsel filed its comment to the petition.[2] On June 25, 1976, We resolved *inter alia,* to treat the petition for review as a special civil action and to require both parties to submit simultaneous memoranda.[3] On July 29,

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[1] *Rollo*, p. 49.

[2] *Id.*, pp. 50-55.

[3] *Id.*, p. 57.

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1976, respondent DBP filed its memorandum.[4] On August 11, 1976, the respondent Commission was required, pursuant to Rule 43, Section 8, New Rules of Court, to elevate to this Court the whole records of RO-6 WCC Case No. 18094 "*Alberto Flores vs. Workmen's Compensation Commission, et al.*"[5] On August 13, 1976, petitioner filed his memorandum.[6] And on August 20, 1976, We resolved to consider this case submitted for decision.[7]

The records show that petitioner as of 1973 had been employed by private respondent DBP continuously for 33 years since 1940. In 1962, petitioner was first hospitalized at the Saint Luke's Hospital, España Ext., Manila, for abdominal pain and diabetes, but after treatment was able to return to work. In 1969, he was detailed in the Collection and Acquired Assets Department of the bank to handle distressed and bad accounts. Later, he was again hospitalized at the Makati Medical Center and Saint Luke's Hospital for various illnesses, such as asthmatic bronchitis, pneumonitis, *diabetes mellitus* and hypertension. Due to poor health he was forced to retire from the service on September 16, 1973, before he could reach the compulsory retirement age.

On March 10, 1975, petitioner filed a "Notice of Injury or Sickness and Claim for Compensation" with the Regional Office No. VII, Workmen's Compensation Unit, Iloilo City, stating among others, that he contracted asthmatic bronchitis, pneumonitis, *diabetes mellitus* and hypertension during the course of his employment, and/or which was aggravated by his employment with the private respondent.[8] This case, therefore, filed before March 31, 1975 with the WCU Regional Office No. VII, shall be processed and adjudicated in accordance with

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[4] *Id.*, pp. 61-67

[5] *Id.*, p. 76.

[6] *Id.*, pp. 77-88.

[7] *Id.*, p. 94.

[8] *Id.*, p. 18; petition, Annex "A".

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the law, rules and procedure existing prior to the effectivity of the Employees' Compensation and Insurance Fund.[9]

On July 3, 1975, Mr. Demetrio P. Correa, Hearing Officer III and Chief, Workmen's Compensation Unit, Regional Office No. VII, Iloilo City, issued an award in favor of petitioner for failure of private respondent to controvert the claim.[10]

On July 31, 1975, private respondent filed a petition to reinstate its right to controvert the claim and a motion to reconsider the Award dated July 3, 1975.[11] Finding the grounds therein to be meritorious, Mr. Correa granted the same and accordingly set aside the Award, and required the parties to submit their respective affidavits and/or documentary evidence to sustain their respective allegations.[12]

On October 1, 1975, Mr. Correa rendered a decision awarding compensation benefits to the petitioner on his findings that —

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There are now divergence of medical opinion in this case. It appears that the physician's opinion are made depending to what parties they are for. Respondent's two physicians, Drs. Abubakar and Cañizares both concluded that the nature of the claimant's work could not cause or aggravate the various ailments he is suffering and on the contrary, Dr. Castro, stated that the sickness could be aggravated by the nature of his work, if not caused by said nature of his job.

But what we observed in this case, is the fact that the claimant *had spent the best of his life in the service of the Bank — for 34* long years. Although the nature of his job does not require of him to exert physical efforts, it seems that the mental stress brought about

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[9] Section 5, Pres. Dec. 626, Further amending Certain Articles of Pres. Dec. 442, entitled "Labor Code of the Philippines," amending Art. 339. Disposition of Pending Cases, Chapter III of Book VII on Transitory and Final Provisions of the Labor Code.

[10] *Rollo*, p. 19; *id., id.*, "B".

[11] *Id.*, pp. 20-29: *id., id.*, "C" & "D".

[12] *Id.*, p. 32: *id., id.*, "F".

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by the pressure of his job was indeed heavy. The place of his work in an air conditioned office and then to outside his room is conducive to sudden change of temperature (sic).

As a matter of fact, his Medical Report which show his various consultations, treatments and follow-up treatments for various sickness suffered indicates that be had been sick from February 13, 1963 and even after he had retired, on August 31, 1973 so that before he could reach the retirement age, he was constrained to retire, notwithstanding better benefits that would be due him had he stayed a little longer, but his sickness prevented him from working further.

Considering the length of his employment, the nature of his work and the condition of the place of his job, convinces us that his sickness, if not caused by the nature of such job, was aggravated by the nature of same. This condition according to the Court, fulfills the criteria for the compensability of his sickness in accordance with Section 2 of the Act.

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WHEREFORE, judgment is hereby entered in favor of the claimant and the respondent is ordered:

1. To pay the claimant thru this Office, the sum of SIX THOUSAND PESOS (₱6,000) as compensation.

2. To this Office the sum of SIXTY ONE PESOS (₱61.00) as *administrative fees, pursuant to Section 55 of the Act, as amended.*[13]

On October 24, 1975, respondent DBP moved to have the award reconsidered,[14] but the same was denied and the entire records of the case were ordered elevated to the respondent Commission for review, in an order dated November 10, 1975.[15]

On December 30, 1975, respondent Commission — per Associate Commissioner Eugenio I. Sagmit, Jr., concurred in by Dr. Herminia Castelo Sotto, M.D., Associate (Medical) Commissioner — reversed the decision of the Hearing Attorney

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[13] *Id.*, pp. 36-38.

[14] *Id.*, pp. 39-43.

[15] *Id.*, p. 44.

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and absolved private respondent from any liability under the Workmen's Compensation Act, holding thus —

> Generally speaking, *diabetes mellitus* is not compensable *per se*. It is a disease of the pancreas, which by reason of the diminution or failure of the secretion of that gland, results in the over supply of sugar in the blood which condition can be remedied by the administration of insulin, which supplies the lack of the necessary pancreatic secretions. However, *diabetes mellitus* can be compensable in cases when it is complicated with hypertension and asthmatic bronchitis. Hypertension is not a disease, of itself as it is but a mere symptom of a disease, therefore, not disabling. Bronchitis is an inflammation of the bronchial tubes or its secondary outlets. It may be caused or aggravated by stress, heavy work, dust, if allergic, pollen and hairs. Claimant being a Special Assistant of the bank while suffering from asthmatic bronchitis can not be subject to stress, heavy work, dust or pollen.
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> It is ironic that air-conditioning one of the modern appliances that facilitate and enhance office efficiency, should be tagged by the claimant as the culprit that brought about his alleged illnesses. We are not that naive to believe this.

Petitioner now contends (1) that his illnesses were caused and/or aggravated by the nature of his employment; (2) that his illnesses supervened during the course of his employment with respondent DBP and therefore are presumed to be compensable; and (3) that respondent DBP failed to overcome the legal presumption of compensability of his illnesses.

Upon the other hand, respondent DBP maintains that hypertension and the other respiratory ailments of petitioner are mere complications of the primary disease of diabetes mellitus; that *diabetes mellitus* is an idiopathic disease which is dependent in part on conditions inherent in the individual; and that petitioner's illnesses could not have been directly caused nor aggravated by the nature of his employment with respondent DBP.

From the foregoing contentions, the determinative issue in this petition for review which We consider as a Special Civil Action for *Certiorari*, in order to expedite its resolution, is whether petitioner's illnesses, *i.e.*, *diabetes mellitus*, with asthmatic

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bronchitis, pneumonitis and hypertension are compensable under the Workmen's Compensation Law, which, in turn, may be resolved through a determination of whether or not said illnesses have been the direct cause of or were aggravated by his employment with respondent Development Bank of the Philippines.

This case is not now one of first impression. In the very recent case of *Sevilla vs. Workmen's Compensation Commission, et al.*,[16] the First Division of this Court speaking thru Justice Cecilia Muñoz Palma, ruled in favor of compensability of *diabetes mellitus* quoting the oft-cited case of *Abana vs. Quisumbing*.[17] This Court held:

> While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. *It is enough that his employment had contributed, even in a small degree to the development of the disease*. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. *It is sufficient to show that the hypothesis on which he bases his claim is probable*." (Italics supplied.)

The Court further emphasized that the exact medical cause of the illness of an employee is not significant, for, granted for argument's sake, that the evidence of the claimant is insufficient to show a causal link between the nature of his employment and his ailment, under the provisions of Section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that the claimant's illness which supervened at the time of his employment, either arose out of, or was at least aggravated by, said employment, and that with this legal presumption, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation.

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[16] G.R. No. L-44221, August 31, 1978.

[17] 22 SCRA 1278, 1282, citing *Manila Railroad Company vs. WCC and Crispin Pineda*, L-19773, May 30, 1964.

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It is not disputed that petitioner had for several times been hospitalized for the various illnesses complained of. He was even forced to retire before he could reach the compulsory age for retirement due to his disability. The facts of hospital confinement and early retirement from the service give rise to legal presumption that petitioner's illnesses arose out of or were at least aggravated by the employment and the burden of proof (of non-work connection) shifts to the employer.[18]

In the case at bar, respondent DBP relied mainly on the medical opinion of Dr. Felipe H. Abubakar, physician in its medical department, that petitioner's illness of *diabetes mellitus* is one inherent in the individual and cannot be caused or aggravated by the nature of his employment. Such a posture utterly fails in the face of the ruling that mere opinion of doctors cannot prevail over the presumption established by law.[19]

Finally, denying benefits to petitioner who had spent the best years of his life in the public service (for 33 years) and who was forced to retire therefrom at an early age due to illnesses which supervened during the course of his employment, violates the social justice mandate of the Constitution.[20] Besides, the

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[18] *Martillo vs. Republic & WCC*, G.R. No. L-42713, May 31, 1978; *Ybañez vs. WCC*, G.R. No. L-44123, June 30, 1977, 77 SCRA 501; *Guevarra vs. Republic*, G.R. No. L-43099, May 31, 1977, 77 SCRA 292; *Camarillo vs. WCC, et al.*, G.R. No. L-42831, October 21, 1976, 73 SCRA 497; *Ayuso vs. WCC, et al.*, G.R. No. L-42893, September 30, 1976, 73 SCRA 233; *Vda. de Leorna vs. WCC*, G.R. No. L-42543, September 30, 1976, 73 SCRA 228; *Jacob vs. WCC, et al.*, G.R. No. L-43302, August 31, 1876, 72 SCRA 575; *Galang vs. WCC, et al.*, G.R. No. L-41893, August 27, 1976, 72 SCRA 454; *Mercado vs. WCC, et al.*, G.R. No. L-42451, July 30, 1976, 72 SCRA 260; *Talip vs. WCC*, G.R. No. L-42574, May 31, 1976, 71 SCRA 218; *NASSCO vs. WCC*, G.R. No. L-22628, Jan. 31, 1967, 19 SCRA 254; *A.D. Santos, Inc. vs. De Sapon*, G.R. No. L-22220, April 29, 1966, 16 SCRA 791; *Iloilo Dock & Engineering Co. vs. WCC*, G.R. No. L-17283, July 31, 1962, 5 SCRA 765; *Pangasinan Transportation Co., Inc. vs. WCC*, G.R. No. L-16490, June 29, 1963, 8 SCRA 352.

[19] *Belmonte vs. WCC, et al.*, G.R. No. L-38322, July 26, 1974, 58 SCRA 138; *Abana vs. Quisumbing, supra.*

[20] *Gonzales vs. WCC, et al.*, G.R. No. L-43689, February 28, 1978.

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Workmen's Compensation Act - as a social legislation intended to give relief to the workman in the event that he should die or sustain an injury or sickness in the pursuit of his employment — should be liberally construed to attain its laudable objective.[21]

IN VIEW OF ALL THE FOREGOING, this petition is GRANTED. The decision of the Workmen's Compensation Commission is SET ASIDE. The respondent Development Bank of the Philippines is hereby ordered to pay petitioner the sum of ₱6,000.00 as disability compensation, the further sum of ₱600.00 as attorney's fees and the sum of ₱61.00 as administrative fee to the Workmen's Compensation Fund.

SO ORDERED.

Fernando (Chairman), Concepcion Jr., and *Abad Santos, JJ.*, concur.

Barredo, J., concurs. Doubtful as it is to me whether the ailments suffered by petitioner is compensable in the light of the particular circumstances of this case, I prefer to resolve the doubt in favor of petitioner.

Antonio, J., dissents. It does not appear that the diabetes mellitus was due to causes and conditions of and peculiar to claimant's employment, much less was it aggravated by the nature of his work.

Aquino, J., dissents. I agree with the WCC that diabetes, as an idiopathic disease, is not work-connected and was not aggravated by claimant's work and, hence, is not compensable.

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[21] *Alburan vs. Republic*, G.R. No. L-43249, August 25, 1978; *Parian vs. WCC, et al.*, G.R. No. L-42433, August 23, 1978.