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FIRST DIVISION

[G.R. No. L-43942. September 30, 1978]

APRONIANO ALABAT, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES (Bureau of Public Schools),** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; ILLNESS CONTRACTED DURING EMPLOYMENT, PRESUMED COMPENSABLE.** — Section 44 of the Workmen's Compensation Act unequivocably establishes a presumption of compensability, although disputable by substantial evidence. This presumption does not arise by the mere filing of a claim which is timely controverted, but by the establishment of a preliminary link, although not by substantial evidence, between the injury or illness and one's employment. Once this link is established, such as that illness or injury supervened during the period of the laborer's employment, then upon the employer is imposed the burden of demonstrating, by substantial evidence, absence of work connection.

2. **ID.; ID.; ID.; BROADER INTERPRETATION TO ADVANCE BENEFICIENT PURPOSE REQUIRED.** — In the light of the constitutional provision enjoining the State to afford protection to labor, the presumption should receive a broader interpretation so as to advance the beneficient purpose of the Act to protect workmen and their families, resolving all doubts in their favor.

3. **ID.; ID.; DISABILITY BENEFITS; REIMBURSEMENT OF MEDICAL EXPENSES, INCLUDED.** — In addition to the disability compensation, the claimant is entitled to reimbursement of medical expenses if supported by proper receipts.

MAKASIAR, ***J., concurring:***

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; DISABILITY BENEFITS; CLAIMANT ENTITLED TO MEDICAL SURGICAL AND HOSPITAL

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SERVICES AS WELL AS APPLIANCES AND SUPPLIES. — Under the provisions of Section 13 of the Workmen's Compensation Act, as amended, a claimant is entitled to such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor," which is re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

APPEARANCES OF COUNSEL

Rolando A. Calalang for petitioner.
Office of the Solicitor General for respondents.

D E C I S I O N

FERNANDEZ, *J.*:

This is a petition to review the decision of the Workmen's Compensation Commission in R09-WCC Case No. 14520 entitled "*Aproniano Alabat,* Claimant, *versus, Republic of the Philippines (Department of Education and Culture),* Respondent," reversing the decision of the Acting Referee of the Workmen's Compensation Unit, Regional Office No. XIX, at Tacloban City ordering the Department of Education and Culture to pay the claimant the sum of ₱6,000.00 pursuant to Sections 14 and 17 of the Workmen's Compensation Act.[1]

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[1] *Rollo*, pp. 4-5.

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It appears that the claimant, Aproniano Alabat, now petitioner, was a public school teacher since 1931 and later as head teacher. During his employment, he contracted hypertension, hernia, appendicitis and hepatitis. On account of these illnesses, the claimant retired on November 2, 1973 at the age of 63 with his latest salary at the rate of ₱4,404.00. On March 10, 1975, the claimant filed with the Workmen's Compensation Unit, Regional Office No. XIX, Tacloban City, a claim for compensation. The Hearing Officer of said Regional Office No. XIX, found the claim compensable and ordered the respondent to pay the claimant the sum of ₱6,000.00.

The Department of Education and Culture filed a motion for reconsideration alleging that hypertension is only a symptom, not a disease, and it is only when it becomes complicated that hypertension may result to a disabling disease.

It is a fact that the complainant contracted his illnesses during his employment with the Department of Education and Culture. Under Section 44 of the Workmen's Compensation Act, there is a presumption that the said illnesses were caused or at least aggravated by his work as teacher. The respondent, Department of Education and Culture, has failed to rebut the presumption.

In *Vargas vs. Philippine American Embroideries, Inc.*,[2] this Court held:

"Section 44 of the Workmen's Compensation Act unequivocally establishes a presumption of compensability, although disputable by substantial evidence. This presumption does not arise by the mere filing of a claim which is timely controverted, but by the establishment of a preliminary link, although not by substantial evidence, between the injury or illness and one's employment, Once this link is established, such as that the illness or injury supervened during the period of the laborer's employment, then upon the employer is imposed the burden of demonstrating, by substantial evidence, absence of work connection."

Moreover, in the light of our constitutional provision enjoining the State to afford protection to labor, the presumption should

[2] 34 SCRA 680. 687.

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receive a broader interpretation so as to advance the beneficient purpose of the Act to protect workmen and their families, resolving all doubts in their favor.[3]

Obviously, the claimant, now petitioner, retired at the age of 63 because he could no longer continue with his work as head teacher in view of his diseases specially hypertension which had become complicated.

In addition to the disability compensation, the petitioner is entitled to reimbursement of medical expenses if supported by proper receipts.

WHEREFORE, the decision appealed from is hereby set aside and the respondent, Republic of the Philippines (Department of Education and Culture), is ordered:

1) To pay the claimant the amount of Six Thousand Pesos (₱6,000.00) as compensation benefits and to reimburse him of medical expenses supported by proper receipts;

2) To pay counsel of petitioner the amount of Six Hundred Pesos (₱600.00) as attorney's fees; and

3) To pay to the successor of the Workmen's Compensation Commission the amount of Sixty One Pesos (₱61.00) as administrative fee.

SO ORDERED.

Teehankee (Chairman), Muñoz Palma and *Guerrero, JJ.*, concur.

Makasiar, J., concurs in a separate opinion.

MAKASIAR, *J., concurring*:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant

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[3] *Bureau of Public Works vs. Workmen's Compensation Commission, et al.*, L-8994, 104 Phil. 1062.

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with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor," which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

FIRST DIVISION

[G.R. No. L-44077. September 30, 1978]

ELIODORA C. VDA. DE CORPUZ, *petitioner, vs.* **THE COMMANDING GENERAL, PHILIPPINE ARMY,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *MANDAMUS*; CLEAR LEGAL RIGHT, CASE OF. — Where the Commanding General of the Philippine Army insisted on deducting from a final and executory award under the Workmen's Compensation