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FIRST DIVISION

[G.R. No. L-42203. December 29, 1978]

AURORA F. DIZON, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and DEPARTMENT OF FOREIGN AFFAIRS,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; DISABILITY CLAIM; WHEN SHALL IT BE DISMISSED. — Where the physician's stated the claimant's illness was not due to or aggravated by his employment and that he can continue working, his claim for disability will be dismissed.

APPEARANCES OF COUNSEL

Basilio H. Alo for petitioner.

Ernesto H. Cruz & Estelita G. Diaz for respondent Commission.

Acting Solicitor General Hugo E. Gutierrez, Jr., Assistant Solicitor General Octavio R. Ramirez and *Trial Attorney David R. Hilario* for respondent Department of Foreign Affairs.

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 R04-WC Case No. 153261 entitled "*Aurora F. Dizon vs. Republic of the Philippines (Department of Foreign Affairs)*"[1] which affirmed the decision of the Referee of the Regional Office No. 4, Department of Labor, Manila, dismissing the complaint for lack of merit.[2]

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[1] Annex "C", *Rollo*, pp. 15-16.

[2] Annex "B", *Rollo*, pp. 13-14.

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On May 24, 1974, Aurora F. Dizon, a foreign service officer of the Department of Foreign Affairs, Manila, filed a notice of injury or sickness and claim for compensation at the Regional Office No. 4, Department of Labor, Manila, claiming compensation as a result of psychiatric illness allegedly caused by the nature of her employment in 1964 and directly aggravated by said employment. The claim was docketed as Case No. R04-WC Case No. 153261.

In a decision dated May 9, 1975, the Labor Referee dismissed the case for lack of merit on the ground that the claimant, Aurora F. Dizon, was not entitled to compensation in as much as the claimant's illness was not due to the nature of her employment nor aggravated thereby.

The claimant appealed to the Workmen's Compensation Commission. On November 29, 1975, the Commission affirmed the decision of the Referee. Hence, this petition for review.

The record shows that Aurora F. Dizon started working with the Department of Foreign Affairs on April 1, 1959 as foreign service officer with a daily wage of P10.33 working five (5) days a week. Sometime in 1964 while she was assigned to work in the European Division of the Philippine Mission at Geneva, Switzerland, she developed symptoms of an illness manifested by nervousness, irritability and suspiciousness. The illness was allegedly induced by the maltreatment of the claimant by her employer. When the symptoms became persistent, Aurora F. Dizon was recalled to the Philippines and she submitted for medical treatment to Dr. Baltazar V. Reyes on February 10, 1965. Dr. Reyes found her to be sick of anxiety reaction with depressive features. Since then she went on sick leaves on and off up to 1966 when she worked regularly up to the present, While under treatment, she incurred medical expenses for which receipts were submitted and evaluated by Dr. Valenti Poji, Compensation Rating Medical Officer of Regional Office No. 4. The claim was rejected because Dr. Baltazar V. Reyes stated in his report that the illness of Aurora F. Dizon was psychiatric

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and the same could not be the result of the nature of her employment nor was it aggravated by such employment.[3]

It is true that under Sec. 44 of the Workmen's Compensation Act, it is presumed that the employees illness which supervened during his employment either arose out of or at least was aggravated by said employment.[4] However, the very evidence of the petitioner consisting of her physician's report of sickness or accident[5] shows that her illness was neither due to nor aggravated by her employment. Said physician's report also stated that the claimant can continue working. It is a fact then that the petitioner was not disabled by her illness. She continued in her employment with the Department of Foreign Affairs.

The leaves of absence of the petitioner are:

Exh. "G" — Four days vacation leave — April 4-6, 1966

Cause: To spend Easter vacation outside the city

Exh. "G-1" — Three (3) days sick leave — November 10-12, 1965

Cause: I took care of my sick mother

Exh. "G-2" — One (1) day sick leave — November 2, 1965

Cause: Cold and fever

Exh. "G-3" — One (1) day sick leave — October 8, 1964

Cause: Mild Influenza

Exh. "G-4" — Twelve (12) days vacation leave — December 1-16, 1964

Cause: To prepare for and take the FAO examination in Paris

Exh. "G-5" — Two (2) days vacation leave — May 6-7, 1965

Cause: Personal reasons

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[3] *Idem*, pp. 13-14.

[4] *Cirilo Talip, et al. vs. Workmen's Compensation Commission, et al.*, 71 SCRA 218.

[5] Annex "D", *Rollo*, p. 17.

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Exh. "G-6" — Three (3) days sick leave — February 15-17, 1965

Cause: Mental Fatigue

Exh. "G-7" — One (1) day vacation leave — February 8, 1965

Cause: Personal

Exh. "G-8" — Three (3) days vacation leave — October 13-15, 1964

Cause: Personal

Exh. "G-9" — One (1) day vacation leave — January 13, 1965

Cause: Personal.[6]

It can be seen from the foregoing that the causes of the leaves of absence of the petitioner have no relation to her psychiatric ailment.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby affirmed, without pronouncement as to costs.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-42598. December 29, 1978]

PEDRO CASTRO, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES,** *respondents.*

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[6] Memorandum of Respondent Republic of the Philippines, p. 4.