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FIRST DIVISION

[G.R. No. L-45694. December 18, 1979]

BRIGIDA REYES, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES (National Irrigation Administration),** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; PRESUMPTION OF COMPENSABILITY APPLIES IN CASE AT BAR; EFFECT.— It is undisputed that the illness of the late Mariano Reyes supervened during his employment with the National Irrigation Administration. Hence, there is a disputable presumption that the claim is compensable. The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the sickness is not compensable.

APPEARANCES OF COUNSEL

Pedro G. Peralta for petitioner.
Brenda P. Lomabao for respondent WCC.

D E C I S I O N

FERNANDEZ, *J.*:

This is a petition for review of the decision of the Workmen's Compensation Commission in RO1 WC Case No. 7082 entitled "*Brigida Reyes, Claimant, versus, Republic of the Philippines (National Irrigation Administration), Respondent*" reversing the decision of the Hearing Officer of Regional Office No. 1 and dismissing the claim for death benefits for lack of merit.[1]

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

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The petitioner, Brigida Reyes, widow of the late Mariano Reyes, filed a claim for death compensation with the Regional Office No. 1 of the Department of Labor in Dagupan City against the Republic of the Philippines (National Irrigation Administration). The claim was controverted. Hence the case was tried on the merits.

The Hearing Officer found the claim compensable in a decision dated December 10, 1974, the dispositive part of which reads:

"IN THE LIGHT OF THE FOREGOING, the respondent is hereby ordered:

1. To pay thru this Office Brigida P. Reyes together with her minor children the sum of FIVE THOUSAND SEVEN HUNDRED TWENTY TWO PESOS (₱5,722.00) as compensation benefit plus TWO HUNDRED PESOS (₱200.00) as burial expenses;

2. To pay Atty. Pedro Peralta the sum of TWO HUNDRED EIGHTY SIX PESOS AND 10/100 (₱286.10) as attorney's fee;

3. To pay this Office the sum of FIFTY SEVEN PESOS (₱57.00) as WCC fee Sec. 55 of the Act.

SO ORDERED."[2]

The Republic of the Philippines (National Irrigation Administration) appealed to the Workmen's Compensation Commission which reversed the decision of the Hearing Officer on the ground that the illness of hemorrhagic pancreatitis which resulted in the death of Mariano Reyes was neither caused nor aggravated by his employment as carpenter of the National Irrigation Administration.

The petitioner contends that the illness of Mariano Reyes was caused or aggravated by his work as carpenter of the National Irrigation Administration.

The facts, as found by the Hearing Officer, are:

"During the hearing of the case, both parties were allowed to present their evidence, documentary as well as testimonial. The

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[2] Annex "A", *Rollo*. p. 12.

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evidence adduced during the hearing of the case disclosed that the late Mariano Reyes was employed by the respondent as a carpenter since May 14, 1973 with a daily wage of ₱9.17. As a carpenter he works in the construction of a shed and works 8 hours a day, 5 days in a week and worked overtime up to 12:00 o'clock midnight. That on or about 6:00 o'clock a.m. on July 4, 1973 he was found dead at the bunkhouse of Campsite, Pantabangan, Nueva Ecija. The deceased was legally married to the claimant-widow and out of their wedlock, they have begotten seven children namely Zita, Prescilla, Alexander, Joselene, Mariano Jr., Rolando and Jine all minors (Exhibits 'D', 'E', 'G', 'H', 'I', and 'J') and said widow and children were dependent from the earnings of the deceased. For the funeral services including the tomb the widow spent about ₱1,000.00.

"The only issue to be resolved in the instant case is whether or not the death of Mariano Reyes arose out and in the course of his employment, or work connected aggravated by the nature of his employment.

"As shown by the evidence on record the claimant testified that prior to her husband's employment with the respondent the deceased worked as a carpenter in Luna, La Union and complained about his eyes and stomach pains. That when he took his vacation from his work in the NIA, Pantabangan, Nueva Ecija, he was pale and yellowish and thin as the work is hard and that he worked overtime from 6:00 o'clock p.m. up to 12:00 o'clock in the evening continuously. The testimony of the claimant is bolstered by the fact that the very witness of the respondent Eng. Cirilo Alfonso, Camp Superintendent, UPRP, Pantabangan, Nueva Ecija, admitted that the deceased worked overtime at the shed up to 12:00 o'clock in the evening before he died. On July 4, 1973 he made a report of death incident (Exhibit 'I') regarding the death of Mariano Reyes. The deceased was requested to work overtime from 6:00 p.m. to 12:00 midnight of July 3, 1973 in the construction of a swimming pool and at about 5:00 o'clock a.m. the following day he was discovered dead with an unknown cause by his co-employees in the bunkhouse.

"Dr. Rogelio Sison the physician of project issued the death certificate of the deceased (Exhibit 'K') and under the medical certificate portion of the death certificate I-Disease or condition directly leading death; antecedent causes: 'Hemorrhagic Pancreatitis.' II-Other significant conditions — conditions contributing to the death but not related to the disease or condition causing death — 'Over fatigue.'

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"Eng. Cirilo Alfonso further testified that the deceased is very obedient, diligent and hardworking, dedicated to the government and when asked about his personal view about the deceased he answered 'since the deceased is under my supervision and worked truely on overtime I believe the cause of the death as per stated by our physician was connected to his work." (t.s.n., page 4, Dec. 4, 1974 session).[3]

It is undisputed that the illness of the late Mariano Reyes supervened during his employment with the National Irrigation Administration. Hence, there is a disputable presumption that the claim is compensable.[4] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the sickness is not compensable.[5]

The private respondent, Republic of the Philippines (National Irrigation Administration), failed to show that the illness of Mariano Reyes was neither caused nor aggravated by his employment as carpenter in the Upper Pampanga River Project, Pantabangan, Nueva Ecija.

Moreover, the petitioner adduced evidence to show that Mariano Reyes had been working overtime. According to the death certificate of the deceased, Exhibit "K", issued by Dr. Rogelio Sison, the physician of the project, over fatigue contributed to the death of Mariano Reyes. It is evident, therefore, that the illness of Mariano Reyes was directly caused by the nature of his work with the National Irrigation Administration.

The Hearing Officer of Regional Office No. 1, Department of Labor, awarded death compensation to the petitioner on the basis of the following:

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[3] *Idem*, *Rollo*. pp. 10-11.

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

[5] *Balanga vs. Workmen's Compensation Commission, et al.*, 83 SCRA 71.

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"Under Sec. 8 (b) of the Act, the claimant-widow together with her minor children Zita, Prescilla, Alexander, Joselene, Mariano Jr., Rolando and Jine is entitled to death compensation equivalent to 60% of the deceased average weekly wage. The deceased was receiving ₱9.17 per day or an average weekly wage of ₱45.85 but under Section 12 of the Act, however the average weekly wage in death case should be reckoned at not more than ₱50.00 and 60% of ₱45.85 is ₱27.51 times 208 weeks gives a total death compensation of ₱5,722.00 plus ₱200.00 burial expenses."[6]

The foregoing computation is correct.

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

1) To pay the petitioner and her minor children the sum of Five Thousand Seven Hundred Twenty-two Pesos (₱5,722.00) as death benefit plus Two Hundred Pesos (₱200.00) as burial expenses;

2) To pay the petitioner the amount of Five Hundred Seventy Two Pesos (₱572.00) as attorney's fees; and

3) To pay the successor of the Workmen's Compensation Commission the amount of Fifty Seven Pesos (₱57.00) as administrative fee.

SO ORDERED.

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

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[6] Annex "A", *Rollo*, p. 12.