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2. TO REIMBURSE PETITIONER HER MEDICAL EXPENSES IN THE AMOUNT OF THREE THOUSAND TWO HUNDRED NINETY EIGHT PESOS AND 70/100 (₱3,298.70);

3. TO PAY ATTORNEY'S FEES IN AN AMOUNT EQUIVALENT TO 10% OF THE TOTAL AWARD; AND

4. TO PAY THE SUCCESSOR OF THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE (₱61.00) PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee (Chairman), Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-45080. November 21, 1979]

CONSTANCIA P. GACULA, *petitioner*, *vs.* **REPUBLIC OF THE PHILIPPINES (Bureau of Public Schools), WORKMEN'S COMPENSATION COMMISSION defunct and/or COMPENSATION APPEALS AND REVIEW STAFF, Office of the Secretary of Labor, Department of Labor**, *respondents*.

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; WHEN THE ILLNESS UPON WHICH THE CLAIM IS PREMISED SUPERVENED DURING THE PERIOD OF EMPLOYMENT, SAID ILLNESS AROSE OUT OF IT OR WAS AT LEAST AGGRAVATED BY THE NATURE OF EMPLOYMENT.**— As consistently held by the Supreme Court

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in a number of cases, when the illness upon which the claim is premised supervened during the period of employment, said illness arose out of it or was at least aggravated by the nature of employment in the absence of substantial evidence to the contrary (*Magalona vs. WCC & NASSCO*, 21 SCRA 1199 [1967]). The burden of proof to destroy such presumption is laid at the door of the employer (*Industrial Textile Mfg. Co. vs. Florzo*, 17 SCRA 1104 [1966]) and the failure to discharge the burden makes the *prima facie* presumption conclusive (*Bautista vs. WCC*, L-43027, January 28, 1979).

2. ID.; ID.; TUBERCULOSIS IS WORK-CONNECTED IN THE OCCUPATION OF A TEACHER AND THEREFORE COMPENSABLE.— Well entrenched also is the doctrine laid down by this Court and as such has formed part of our legal system to the effect that tuberculosis (PTB) is work-connected in the occupation of a teacher and therefore compensable (*Jacob vs. WCC, et al.*, 72 SCRA 575 [1976]; *Vallo vs. WCC, et al.*, 73 SCRA 623 [1976]).

APPEARANCES OF COUNSEL

Samuel V. Martin and Alfredo S. Remigio for petitioner.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Jose F. Racela Jr. and Solicitor Regino M. Monta for respondents.

D E C I S I O N

MAKASIAR, *J.*:

This is a petition for review on *certiorari* of the order of the Workmen's Compensation Commission dated December 18, 1975 in RO4-WC Case No. 153282-424-XX reversing the award made by the Acting Referee, Regional Office No. 4, Workmen's Compensation Section, Manila, awarding petitioner disability compensation benefits under the Workmen's Compensation Act.

The undisputed facts are as follows:

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"The claimant started working with the respondent on November 1, 1939 up to October 1, 1970 with interruption during the time of war as a classroom teacher and was assigned in the Division of Ilocos Sur. As such classroom teacher, she handled elementary grade pupils teaching academic subjects such as Reading, Writing, Arithmetic, Music, Social Studies, Pilipino, Home Economics, English and Character Education. Her last annual salary was ₱3,380.74 (Exhibit 'B').

"Aside from teaching academic subjects, she had homework(s) to do such as lesson plans for the subjects to be taught, writing boardwork, preparation of teaching aids and devices, and reading subject matter and reference. She did these during night time usually from 8:00 P.M. to 10:00 P.M. Aside from these she also attended to problems of students and did some home visitations which in so doing, she was forced to hike to distant homes, cross streams and sometimes caught by heavy rain. Her schedule of duty was from 7:30 A.M. to 11:30 A.M., and then, from 1:40 P.M. to 5:00 P.M. She worked five (5) days a week, but on Saturdays she had to attend seminars and conferences.

"While in the employ of the respondent, claimant became afflicted with several ailments and upon consultation with her attending physician, Dr. Alfredo A. Cadena, she was found suffering from incipient PTB, chronic rheumatoid arthritis, laryngitis and hypotension-anemia (Exhibits 'C' and 'D'). Her first treatment with the said physician was on October 5, 1968 when Dr. Alfredo A. Cadena made a home visit to her at her residence in Tamurong, Candon, Ilocos Sur. After a thorough medical examination and taking the history of the case, the claimant was found afflicted with the aforecited ailments. In the report issued by Dr. Alfredo Cadena, he categorically stated that claimant's ailments were the result of the nature of her employment; that the same were aggravated by the nature of her duties as a classroom teacher; and, that said ailments resulted in permanent total disability for labor such that he advised claimant to retire from the service. Among the medicines he administered to claimant are the following: reipar, ergapyrin injections, ergapyrin, pyrazon, ketazon reozon pills, primafort tablets, acromysin capsule, clusivol capsules, hemotonine injections, penicillin 500 mg. tablets, trisovit tablets, enervon C injections, streptomycin injections and B complex injections. For consideration of professional services rendered and medicines administered, he received from the claimant the sum of ₱3,000.00, more or less, which however, is not properly supported by official receipts.

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"Despite these ailments, claimant continued performing her regular duties but when the manifestations of body weakness became prevailing, she applied for retirement for she felt that she could no longer continue teaching on account of her ailments. On October 1, 1970, the claimant was effectively retired."

On May 24, 1974, the petitioner filed with the Manila Regional Office of the Department of Labor a claim for disability compensation benefits pursuant to the provisions of the Workmen's Compensation Act, or Act No. 3428, as amended.

On July 18, 1975, Acting Referee Isauro G. Marmita rendered a decision, finding the claim meritorious and ordering respondent Republic of the Philippines (Bureau of Public Schools) to pay among others, petitioner the sum of Six Thousand Pesos (₱6,000.00) as disability compensation benefits.

On December 18, 1975, respondent Workmen's Compensation Commission, acting on a motion for reconsideration filed by respondent Republic of the Philippines (Bureau of Public Schools), reversed the decision of the Acting Referee and dismissed the claim of the petitioner allegedly for lack of merit, thus:

"The Hearing Referee ruled in favor of claimant awarding her compensation benefits in the amount of ₱6,000.00. Dissatisfied with the decision, the Solicitor General filed a motion for reconsideration on the following grounds: (1) that the claimant stopped working not because of disability but because of her application for optional retirement; (2) that there was no proof that the claimant suffered partial permanent or total permanent disability.

"The record shows that the claimant filed this claim on May 24, 1974 and she was then 67 years old. According to her, she was suffering from incipient PTB, laryngitis, chronic rheumatoid arthritis, hypotension-anemia, all contracted while in the service of the respondent as a public school teacher. The claim was duly supported by WCC Form No. 4 which among other showed that the claimant was first treated on October 5, 1968 her acute articular rheuma. There was no proof, however, that the claimant was actually disabled from work. Furthermore, the claimant actually stopped working due to optional retirement at 63 years (old age) on October 1, 1970. The claim was actually filed on May 24, 1974, there was no proof

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whatsoever, that the retirement was due to disability or illness, consequently, there was no impairment of earning capacity on the part of the claimant.

"The law as passed by our Legislature was intended to protect workers and to compensate them for actual loss of earning capacity. This was not shown in the instant claim."

Clearly, the decision of the Regional Office and the order of the Workmen's Compensation Commission were based on the record presented by claimant.

In dismissing the claim of claimant, the position of the respondent Commission is that there is no proof that the claimant was actually disabled from work; that the claimant actually stopped working due to optional retirement at the age of 63 on October 1, 1970; that the claim was actually filed on May 24, 1974; and that there was no proof whatsoever that the retirement was due to disability or illness. Consequently, there was no impairment of earning capacity on the part of the claimant.

On the other hand, petitioner maintained that the decision of the acting referee awarding her disability compensation benefits had already become final and executory due to the failure of the respondent's counsel (Solicitor General) to file the motion for reconsideration within the reglementary period; that even if the Solicitor General filed a timely motion for reconsideration, still the Workmen's Compensation Commission committed an error in dismissing the petitioner's claim, considering that the order of December 18, 1975 had not taken into account Sections 44 and 45 of the Workmen's Compensation Act, as amended; and that the respondent failed to file the required notice of controversion within the period provided for by Section 45 of said Act.

On the issue of the finality and executory character of the decision of the acting referee, the record shows that the Solicitor General filed on September 2, 1975 the motion for reconsideration, which is beyond the 15-day period from receipt on July 21, 1975 of said decision, as admitted by the Office of the Solicitor General (Annexes E and E-1, pp. 15-16, rec.). The claim of

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the Solicitor General that a motion for extension was filed is not shown by any concrete proof or evidence. The record fails to disclose any such motion for extension. Under such circumstances, it is OUR view that respondent Commission has no valid authority to review the referee's decision.

WE agree with the claim of the petitioner that nowhere in the whole record of the instant case is it apparent that a notice of controversion was filed by the Republic of the Philippines within the period required by Section 45 of Act 3428, as amended. Consequently, and in line with the decisions of the Supreme Court, the respondent thereby waived or renounced by operation of law its right to question the validity or reasonableness of the petitioner's claim for compensation (*Gen. Textile Inc. vs. Tuay*, 42 SCRA 660 [1971]; *Pampanga Sugar Mills vs. Vda. de Espeleta, et al.*, 22 SCRA 325; *National Dev. Co. vs. WCC*, L-21724, April 27, 1967; and *Lilia D. Simon vs. Republic*, G.R. No. L-42510, June 30, 1976, 72 O.G. 8890).

There is substantial evidence to support the Workmen's Compensation claim of petitioner. The Physician's Report of Sickness or Accident proved that during the petitioner's employment as classroom elementary teacher of respondent, Bureau of Public Schools in Candon, Ilocos Sur, she was found to be suffering from incipient PTB, laryngitis, chronic rheumatoid arthritis, hypotension anemia. She stopped working on October 1, 1970 on the advice of the physician for her to retire from the service to be confined at home for complete rest and treatment.

In awarding her claim for compensation benefits, the Department of Labor, Regional Office No. 4 Acting Referee Isauro G. Marmita made the following findings:

"There is undoubtedly no question that when the claimant started working with the respondent in 1939, the former was physically fit and healthy and devoid of any ailment particularly the aforementioned ailments, there being a physical and mental examination as a pre-employment condition for appointment in the government service. It is likewise a fact that the claimant first experienced symptoms of

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her ailments after a long, continuous service with the respondent or sometime in 1968 when she complained of back and chest pains, hoarse voice and pain of the throat, pains of the joints, muscles, cramps and general body weakness which notwithstanding thereof, she continued to work and was only compelled to stop on October 1, 1970 when she could no longer stand the pains of her ailments. In the instant case, the claimant exerted much mental efforts in the performance of her duties — talking the whole day in teaching and working even late at night in preparing lesson plans, writing boardwork, preparing teaching aids and devices and reading subject matter and references which rendered her lack of necessary rest and sleep. Undoubtedly, her strenuous work lowered her body resistance to diseases but she continued teaching (and) unmindful of its consequences, her ailments exacerbated resulting in her total disability for labor.

"Under the circumstances, a rebuttable presumption exists that the ailments of the claimant were contracted in the course of employment and/or at least (were) aggravated by the nature of such employment."

These findings alone would sufficiently support the petitioner's claim for compensation benefits. When she stopped working on October 1, 1970, because of her ailment, which worsened since 1968, the same can only mean that she ceased to work from said date until her application for optional retirement on the ground of physical disability, was approved. It would take several days before her superiors, including the then Secretary (now Minister) of Education and Culture or his representative could approve her retirement. She had to prepare her application for retirement and secure all the supporting papers, including certificates of clearance pertaining to her financial and property responsibility, as well as medical certificate attesting to her physical disability, to justify her optional retirement at age 63. She orally informed her principal teacher in October, 1970 about her disability (Annex B, p. 8, rec.). She was a school teacher in Candon, Ilocos Sur, and said papers had to be sent to the then Department (now Ministry) of Education and Culture in Manila all the way from Candon, Ilocos Sur, through the principal teacher, the division superintendent of schools in the province,

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and the regional director. From the time of filing until the date of approval of said application for retirement, more than three days must have inevitably transpired, during which she was physically incapacitated for work.

As consistently held by the Supreme Court in a number of cases, when the illness upon which the claim is premised supervened during the period of employment, said illness arose out of it or was at least aggravated by the nature of employment in the absence of substantial evidence to the contrary (*Magalona vs. WCC & NASSCO*, 21 SCRA 1199 [1967]). The burden of proof to destroy such presumption is laid at the door of the employer (*Industrial Textile Mfg. Co. vs. Florzo*, 17 SCRA 1104 [1966]) and the failure to discharge the burden makes the *prima facie* presumption conclusive (*Bautista vs. WCC*, L-43027, January 28, 1979).

Also in the similar case of *Victoria D. Despe vs. Workmen's Compensation Commission, et al.* (L-42828, February 28, 1977), a case involving a public school teacher who was forced to retire at the age of 61, the Supreme Court, speaking through Justice Ruperto G. Martin, held:

"Besides, it cannot be denied that the illness which constrained petitioner to apply for optional retirement occurred during the course of her employment as a public school teacher. As such, there is a presumption mandated by Section 44 of the Workmen's Compensation Act that the employee's illness arose out of, or at least aggravated by said employment, and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation. In the case before us, respondent has not only failed to controvert the claim of petitioner within the statutory period but also failed to offer sufficient proof that the illness of petitioner was not work-connected or work-aggravated."

Well entrenched also is the doctrine laid down by this Court and as such has formed part of our legal system to the effect that tuberculosis (PTB) is work-connected in the occupation of a teacher and therefore compensable (*Jacob vs. WCC, et al.*, 72 SCRA 575 [1976]; *Vallo vs. WCC, et al.*, 73 SCRA 623 [1976]).

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In the absence of any evidence to the contrary, and respondent has not shown any incontrovertible evidence, Section 44(1) of the Workmen's Compensation Act (Act No. 3428, as amended) directs that it shall be presumed that the claim comes within the purview of the law.

Besides, the Workmen's Compensation Act is a social legislation designed to give relief to laborers and employees in case of injury or sickness such that its provisions should be given a liberal interpretation in order to fully carry into effect its beneficient provisions. Doubts as to the right of compensation should be resolved in favor of the employees (*Industrial Textile Mfg. Co. of the Phil. vs. Florzo, supra*; *Vallo vs. WCC, et al., supra*).

WHEREFORE, THE DECISION OF RESPONDENT COMMISSION IS HEREBY REVERSED AND SET ASIDE AND RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY DIRECTED

1. TO PAY THE CLAIMANT THE SUM OF SIX THOUSAND (₱6,000.00) PESOS AS COMPENSATION BENEFITS;
2. TO REIMBURSE THE CLAIMANT HER MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;
3. TO PAY THE CLAIMANT SIX HUNDRED (₱600.00) PESOS AS ATTORNEY'S FEES; AND
4. TO PAY SIXTY-ONE (₱61.00) PESOS AS ADMINISTRATIVE COSTS.

SO ORDERED.

Teehankee (Chairman), Fernandez, Guerrero, De Castro, and *Melencio-Herrera JJ.*, concur.