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WHEREFORE, THE DECISION DATED JANUARY 30, 1976 OF THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS HEREBY SET ASIDE AND RESPONDENT NATIONAL IRRIGATION ADMINISTRATION IS HEREBY ORDERED

(1) TO PAY PETITIONER SIX THOUSAND [₱6,000.00] PESOS AS COMPENSATION BENEFITS;

(2) TO REIMBURSE PETITIONER HIS EXPENSES FOR MEDICAL AND HOSPITAL SERVICES, DULY SUPPORTED BY PROPER RECEIPTS;

(3) TO PAY PETITIONER'S COUNSEL THE SUM OF SIX HUNDRED [P600.00] PESOS AS ATTORNEY'S FEES; AND

(4) TO PAY THE SUM OF SIXTY-ONE [₱61.00] PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

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

Teehankee, J. (*Chairman*), took no part.

SECOND DIVISION

[G.R. No. L-48252. October 30, 1979]

DOMINGO ENRIQUEZ SR., *petitioner, vs.* **REPUBLIC OF THE PHILIPPINES (NATIONAL IRRIGATION ADMINISTRATION), WORKMEN'S COMPENSATION COMMISSION and/or THE SECRETARY OF LABOR,** *respondents.*

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SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; PRESUMPTION OF COMPENSABILITY; APPLICABLE IN CASE AT BAR.**— Petitioner's allegation that "when (he) started working with respondent NIA (in 1964), he was of good and sound health, free from any kind of disease, as a condition precedent for his employment" is not disputed by respondents. It is also admitted that petitioner's symptoms of hypertension appeared only sometime in January 1970. Hence, it can be correctly said that petitioner's hypertension supervened in the course of his employment, and in accordance with the aforequoted Section 44(1) in relation to Section 2, it is presumed that petitioner's hypertension was service-connected, and therefore compensable.

2. **ID.; ID.; ID.; RULE ON AGGRAVATION.**— As claimed by petitioner in his Reply, "(S)ymptons of his ailments began to manifest sometime in January 1970. *The strain of his work was compounded when he had been assigned frequent night duty which thus exposed him to greater risks of his life and of his health.* The nature of his work which caused him worries, apprehension, fear and threats from unwelcomed (sic) elements instigated (sic) his physical and emotional instability which finally predisposed him to his cerebro-vascular attack (CVA, cerebral thrombosis) on February 19, 1973, causing his rightsided paralysis." In view of the foregoing, We are convinced, as enunciated in *Belmonte case*, that petitioner's illness "falls within the rule of *aggravation* provided in Section 2 of the Workmen's Compensation Act" because "(A)ll that the Act requires to entitle claimants to its benefits is a showing that the nature of the deceased's work and duties did aggravate his illness as in this case."

BARREDO, *J.*, *concurring*:

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; PRESUMPTION OF COMPENSABILITY; APPLICATION.— The removal of controversion by the employer and/or insurance carriers is indeed an improvement, but the elimination of the presumption of

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compensability under Article 165 (i) does not seem to be in accord with the clear import and intent of Section 167 which provides that the "State Insurance Fund shall be liable for compensation for injury or death to the employee except where the same was occasioned solely by the employee's intoxication, by his willful intention to injure or kill himself or another or by his notorious negligence." Of course, I am not unaware that the Ministry of Labor and the Employees Compensation Commission are already inclining towards more liberality in favor of labor, propelled perhaps by decisions of this Court, but I really wish they would go further. That is why, I hold, much to my regret and with due respect to the conceivers and framers of the money oriented rather than humane — new restricted concepts of compensability in the present Labor Code of the Philippines an unwelcome blot in the shining blazon of compassion and love for the poor and the unfortunate of the New Society.

APPEARANCES OF COUNSEL

Domingo Enriquez, Jr. for petitioner.

L.A. Navarro for respondent WCC.

Acting Solicitor General Vicente V. Mendoza, Assistant Solicitor General Eulogio Raquel-Santos and *Solicitor Salvador C. Jacob* for respondent Republic of the Phil., etc.

D E C I S I O N

SANTOS, *J.*:

Petition for review on *certiorari* filed on May 18, 1978 of the decision of the Workmen's Compensation Commission (WCC) dated December 9, 1975, absolving respondent Republic (National Irrigation Administration, or NIA) from liability, and reversing the decision dated January 27, 1975 of Acting Referee Benjamin R. Perez of Regional Office No. 4, Workmen's Compensation Unit, Manila, which granted petitioner disability benefits and allowed him reimbursement for medical expenses.

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On August 15, 1978, respondent Secretary, now Minister, of Labor Blas F. Ople,[1] after extension, filed his Comment[2] thru Ministry counsel Lydia Arada-Navarro. Acting Solicitor General Vicente V. Mendoza,[3] also after extensions, filed his Comment[4] on October 20, 1978. On November 3, 1978, petitioner filed his Reply.[5] Per resolution of March 7, 1979,[6] the Court — with the end in view of a speedy disposition of this petition considering that it is a workman's compensation case — resolved to consider (a) respondents' comments as answer to the petition, and (b) the case submitted for decision.

The undisputed factual and procedural antecedents of the case follow. Petitioner Domingo C. Enriquez Sr. entered the government service on September 18, 1952 as a carpenter in the then Bureau of Public Works. Later he became a supervising security guard. About twelve years thereafter, or on October 12, 1964, he transferred to the National Irrigation Administration as Senior Security Guard. He held the same position until February 19, 1973 when he suffered a stroke due to hypertension which, according to the Certification[7] of Dr. Romulo G. Guevara, Jr., his attending physician at the Ramon Magsaysay Medical Center where he was confined, resulted in: (a) paralyzation of the right side of his body (he was found to have only 20% motor

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[1] The Secretary, now Minister, of Labor was made a party respondent because the Workmen's Compensation Commission (WCC) was abolished by PD 442 (Labor Code), effective as of March 31, 1976 and all cases and matters not resolved upon its abolition were transferred to and assumed by the Department, now Ministry, of Labor (See Petition, *Rollo*, p. 2, and Article 297, PD 442).

[2] *Rollo*, p. 35.

[3] He was assisted by Assistant Solicitor General Eulogio Raquel-Santos and Solicitor Salvador C. Jacob.

[4] *Rollo*, p. 61.

[5] *Id.*, p. 69.

[6] *Id.*, p. 78.

[7] *Id.*, p. 17, Petition, Annex "O".

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power of the right upper and lower extremities), (b) slurring of speech (dysarthria) and (c) total incapacity for work. It also appears from the same certification that petitioner is also afflicted with diabetes mellitus, and that "he has been advised against working again as this may aggravate his condition and possibly precipitate another cerebral stroke."

At the time of his incapacity and eventual retirement in 1973, petitioner, then 58 years old, was receiving an annual salary of ₱3,612.00.

On July 5, 1973, petitioner filed a Notice of Injury or Sickness and Claim for Compensation with the Workmen's Compensation Unit, Regional Office No. 4, Manila.[8] The Solicitor General controverted the claim on August 27, 1973. On January 27, 1975, the Acting Referee, Benjamin R. Perez, rendered a decision[9] in favor of petitioner, the dispositive portion of which reads:

"Wherefore, premises considered, judgment is hereby rendered in favor of claimant and against respondent, ordering the latter:

1. To pay claimant the sum of ₱6,000.00 for disability benefits; and the additional sum of ₱2,078.52 for reimbursement of medical expenses incurred;

2. To pay direct to this Office the sum of ₱61.00 pursuant to Section 55 of the Act."

On March 3, 1975, the Solicitor General filed a motion for reconsideration of the above decision. Said motion was denied by the Acting Referee in an order dated April 29, 1975, whereupon he elevated the records of the case to the Workmen's Compensation Commission for review.

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[8] This case, therefore, filed before March 31, 1975 with the WCU, Regional Office No. IV, shall be processed and adjudicated in accordance with the law, rules and procedure, existing prior to the effectivity of the Employees' Compensation and State Insurance Fund. See Art. 300, par. 2, Labor Code, as amended, specifically by PD 626. Cf. *Lizardo vs. WCC, et al.* L-42995, March 14, 1979, fn. 5.

[9] *Id.*, p. 13, Petition, Annex "B".

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On December 9, 1975, the Commission[10] rendered a decision[11] reversing the decision of the Acting Referee and absolving respondent Republic from liability on the ground that petitioner's main illness, hypertension, and the accompanying diabetes mellitus "are not disabling ailments. because they are caused by a degenerative changes due to ageing process, which could be cured by proper food and medication" (*sic*).

Hence this petition, petitioner insisting on the compensability of his ailment and praying for the reversal of the Commission's decision and reinstatement of the Acting Referee's decision.

On the other hand, the Commission and/or the Minister of Labor alleges in his Comment that "hypertension is an ordinary disease of life to which the general public is exposed, and may be contracted anywhere . . ." The Acting Solicitor General in his Comment also contends that "(H)ypertension is an ordinary and common ailment to which the general public is exposed and the same ailment may be contracted anytime and anywhere, but not necessarily contracted because of the nature of petitioner's work, or that the nature of his work aggravated his hypertension." He adds further that "if he (petitioner) had the stroke on February 23, 1973, the same was not due to the nature of his work as a security guard, as he had been accustomed to said work for the past twenty years, but due to his hypertensive condition. Disability resulting from a pre-existing hypertension, which has nothing to do with petitioner's employment, is not within the beneficient provisions of the Workmen's Compensation Act."

From the foregoing discussions, the principal issue to be resolved in this petition is whether or not petitioner's disability due to hypertension is compensable.

We find merit in this petition and hold that petitioner's disability due to hypertension is compensable.

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[10] Composed of Associate Commissioners Eugenio I. Sagmit Jr. and Herminia Castelo Sotto.

[11] *Rollo*. p. 12. Petition. Annex "A".

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1. The statutory presumption of compensability of the claim is applicable in this case. Section 44, paragraph (1) of the Workmen's Compensation Act as amended provides:

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"SEC. 44. Presumption. — In any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary —

1. That the claim comes within the provisions of this Act";

x x x x x x x x x

Petitioner's allegation that "when (he) started working with respondent NIA (in 1964), he was of good and sound health, free from any kind of disease, as a condition precedent for his employment"[12] is not disputed by respondents. It is also admitted that petitioner's symptoms of hypertension appeared only sometime in January 1970.[13] Hence, it can be correctly said that petitioner's hypertension supervened in the course of his employment, and in accordance with the aforequoted Section 44(1) in relation to Section 2,[14] it is presumed that petitioner's hypertension was service-connected, and therefore compensable. This, We have consistently held in a number of cases[15] and the

[12] *Id.*, Petition, p. 5.

[13] *Id.*, Petition, p. 5; Comment, WCC and/or Minister of Labor, p. 37; Comment, Acting Solicitor General, p. 65.

[14] "SECTION 2. Grounds for Compensation. — When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified."

[15] *Central Azucarera Don Pedro vs. Agno and WCC*, 12 SCRA 178; *Abana vs. Quisumbing*, 22 SCRA 1278; *Legason vs. WCC*, 75 SCRA 213; *Baterna vs. WCC*, 75 SCRA 409; *Vda. de Galang vs. WCC*, 75 SCRA 679; *Guevara vs. Republic*, 77 SCRA 292; *Caling vs. WCC*, 77 SCRA 311; *Evangelista vs. WCC*, 77 SCRA 497; *Pillsbury Mindanao Flour Milling Co., Inc. vs. Murillo*, 81 SCRA 307; *Lamco vs. WCC*, L-43575, July 31, 1978; *Saril vs. WCC*, L-43204, July 31, 1978.

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burden of proof is shifted to the employer to show by substantial evidence that while the illness subject of the claim supervene in the course of employment, it does not necessarily follow that it also arose from such employment or was at least aggravated by it.[16] Here, respondents failed to discharge that burden. As aforestated, the Commission and/or the Minister of Labor merely claims that "hypertension is an ordinary disease of life to which the general public is exposed and may be contracted anywhere x x x" while the Acting Solicitor General alleges that "(H)ypertension is an ordinary and common ailment to which the general public is exposed and the same ailment may be contracted anytime and anywhere, but not necessarily contracted because of the nature of petitioner's work, or that the nature of his work aggravated his hypertension." These bare assertions are inadequate to destroy the statutory presumption of compensability of the claim. It has been held that the evidence necessary to destroy this presumption must do more than create a doubt. It should be such as a reasonable mind must accept as adequate to support a conclusion.[17] Here no attempt was made to show that petitioner's hypertension was not service-connected, or that it has not been aggravated by the nature of the work. Hence, the presumption of compensability prevails.

2. Even assuming that petitioner's hypertension was not service connected, still, under the rule of aggravation enunciated in *Belmonte vs. WCC*[18] petitioner's disability is compensable. In that case, the referee made the following findings and conclusion:

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[16] *Lizardo vs. WCC*, L-42995, March 14, 1979. See also: *Justiniano vs. WCC*, 18 SCRA 677; *Magalona vs. WCC*, 21 SCRA 1199; *Belmonte vs. WCC*, 58 SCRA 138; *Maria Cristina Fertilizer Corp. vs. WCC*, 60 SCRA 228; *Ruelan vs. RP*, 70 SCRA 615.

[17] *Lizardo vs. WCC, supra.*

[18] *Supra*, fn. 16.

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"There is no dispute over the medical testimony that deceased's cerebro-vascular hemorrhage was directly caused by hypertension — not by his work; that the hypertension was not traceable to the nature of his employment but by causes which may be personal and unrelated to work. The question now is: since deceased had a case of pre-existing hypertension . . ., was the same possibly aggravated by the nature of his job as to have precipitated the fatal condition of cerebro-vascular hemorrhage? On this score, we have to rule in the affirmative taking into consideration the nature and extent of his duties which we have already decided as bordering on the rigorous category."

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This Court, thru Mr. Justice Teehankee, affirmed the referee's conclusion thus:

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". . . even though the illness of hypertension which caused the fatal stroke of the deceased may not have been directly caused by his employment nor the nature thereof, still it has been sufficiently shown that said illness was *aggravated* by his employment of 24 years performing the duties (many times simultaneously) of letter-carrier and acting postmaster of the Barotac Nuevo post office. . .

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The same is true in this case, where petitioner's hypertension can be said to have been aggravated by the nature of his work. As claimed by petitioner in his Reply, "(S)ymptoms of his ailments began to manifest sometime in January, 1970. Notwithstanding the physical predicament imposed upon him by his ailment, temporarily relieved only by administration of prescribed medicines, he continued the regular performance of his official tasks which required him to be always on alert in protection and presentation not only of the properties of the National Irrigation Administration from pilferage but also the lives of persons within the premises of said government agency. *The strain of his work was compounded when he had been assigned frequent night duty which thus exposed him to greater risks of his life and of his health.* The nature of his work which caused him worries, apprehension, fear and threats

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from unwelcomed (*sic*) elements instigated (*sic*) his physical and emotional instability which finally predisposed him to his cerebro-vascular attack (CVA, cerebral thrombosis) on February 19, 1973, causing his rightsided paralysis." In view of the foregoing, We are convinced, as enunciated in *Belmonte case*, that petitioner's illness "falls within the rule of *aggravation* provided in Section 2 of the Workmen's Compensation Act" because "(A)ll that the Act requires to entitle claimants to its benefits is a showing that the nature of the deceased's work and duties did aggravate his illness as in this case."[19]

WHEREFORE, the decision of the Workmen's Compensation Commission dated December 9, 1973 absolving respondent Republic (NIA) from liability is hereby REVERSED and SET ASIDE, and the former award made by the Acting Referee Benjamin R. Perez in favor of petitioner REVIVED and REINSTATED.

SO ORDERED.

Aquino, Concepcion Jr., and *Abad Santos, JJ.*, concur.

Barredo (Chairman), J., concurs in a separate opinion.

Antonio, J., I dissent from the well-written opinion of Mr. Justice G.S. Santos. I vote for the affirmance of the WCC's decision.

BARREDO, *J.*, *concurring*:

I concur, and I would like to take this opportunity to point out that in my view any attempt to constrict the concept and area of Compensability obtaining under the former Workmen's Compensation Act and the compassionately oriented jurisprudence of this Court thereunder is a backward step unworthy of the deep and abiding concern of the New Society about the vicissitudes and vagaries that attend the hardships and misfortunes in the life of breadearners, specially those in the lower levels of society. It used to be the unbroken line of judicial thought

[19] See fn. 14.

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in compensation cases that — without inten missing lines the owner of an industry or factory feels it to be an imperative duty to replace a broken part of any of his machines or engines or the whole thing itself by buying a new one, there is no reason why the same attitude should not compel him to pay for the "repair" of the human element similarly involved in producing profits for him. I realize the economic angle implicit in this position I am taking, but I simply cannot imagine why matters such as this cannot be considered in projections by industrial experts and consultants as part and parcel of the indispensable, if contingent, elements of costs. Most men, particularly the poor, work because they have to and very often they must do so inspite of illness, to the extent of trying to hide it from their employer and even their families, just so they would not lose a day's pay. Apparently sound technical medical theories aside, when a worker insists on working even when his health is failing, lest his family starves, I feel he should be commended instead of being consigned to the junk pile. Necessarily, in such circumstance, it must follow as night the day that his illness would be aggravated by his work. But any employer who has enough Christian concern for him can easily avoid any undesirable eventuality by simply giving due care and attendance as soon as the signs of danger appear. Matter-of-course medical check ups, usually lacking in corresponding follow-thru attention, are not enough.

To my mind, any government that has a genuine heart for labor must legislate and adjudicate along these humane lines. The removal of controversion by the employer and/or insurance carriers is indeed an improvement, but the elimination of the presumption of compensability under Article 165 (i) does not seem to be in accord with the clear import and intent of Section 167 which provides that the "State Insurance Fund shall be liable for compensation for injury or death to the employee except where the same was occasioned solely by the employee's intoxication, by his willful intention to injure or kill himself or another or by his notorious negligence." Of course, I am not unaware that the Ministry of Labor and the Employees

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Compensation Commission are already inclining towards more liberality in favor of labor, propelled perhaps by decisions of this Court, but I really wish they would go further. That is why, I hold, much to my regret and with due respect to the conceivers and framers of the money oriented rather than humane — new restricted concepts of compensability in the present Labor Code of the Philippines an unwelcome blot in the shining blazon of compassion and love for the poor and the unfortunate of the New Society.

SECOND DIVISION

[G.R. No. L-48720. October 30, 1979]

REPUBLIC OF THE PHILIPPINES, *petitioner-appellant, vs.* **HON. FELIX V. BARBERS, as Presiding Judge of the Court of First Instance of Manila, Branch XXXIII, and DOMINADOR AQUINO ESTRADA,** *respondent-appellees.*

SYLLABUS

REMEDIAL LAW; SPECIAL PROCEEDINGS; CANCELLATION OR CORRECTION OF ENTRIES IN CIVIL REGISTRY; ERRORS WHICH CAN BE CORRECTED OR CANCELLED REFER TO CLERICAL ERRORS OR HARMLESS AND INNOCUOUS CHANGES BUT NOT TO SUBSTANTIAL AND CONTROVERSIAL MATTERS; CASE AT BAR.— The appeal should be sustained. Long settled is the rule that the errors which can be corrected or cancelled under the summary procedure contemplated in article 412 of the Civil Code. as implemented in Rule 108. refer to clerical errors or harmless and innocuous changes but not to substantial and controversial matters. Since the entry sought to be cancelled concerns the status of a child as legitimate or illegitimate and the civil status of the parents