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February 26, 1979 until the whole amount due shall have been fully paid. The property given in mortgage by respondents under the mortgage contract as well as the bonds totalling ₱55,000.00 posted by respondents for the issuance of the questioned order of execution pending appeal shall stand liable for satisfaction of the judgment herein rendered in favor of petitioner bank.

In effect, this conclusion renders the appeal in CA-G.R. No. 64130-R moot and academic and the judgment of the trial court is accordingly set aside. The interests of substantial justice and demands of fair play so dictate.

Costs against private respondents-appellees jointly and severally.

This judgment shall be immediately executory upon its promulgation.

SO ORDERED.

Teehankee, Acting C.J. (Chairman), Makasiar, Fernandez, Guerrero, and *De Castro, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-49998. October 17, 1979]

DOMINGO LARIOMA, *petitioner, vs.* **WORKMEN'S APPEAL & REVIEW STAFF and MARIA CRISTINA FERTILIZER CORPORATION,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; ILLNESS; PRESUMPTION OF COMPENSABILITY; APPLICATION.**— It is a fact that Domingo Larioma became ill of acute hepatitis and of coronary heart disease during his employment with the Maria Cristina Fertilizer

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Corporation. The said illnesses having supervened during his employment, there is a disputable presumption that the claim is compensable.

2. **ID.; ID.; ID.; ID.; BURDEN OF PROOF SHIFTED TO THE EMPLOYER.**— The claimant is relieved of the duty to prove causation as it is legally presumed that the illnesses arose out of the employment. The burden of proof is shifted to the employer to show that the ailments are not compensable. The private respondent, Maria Cristina Fertilizer Corporation, has failed to adduce evidence to prove that the ailments of the petitioner were neither caused nor aggravated by his employment as maintenance worker in its pyrite-acid plant.

APPEARANCES OF COUNSEL

Luis B. Buendia for petitioner.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Santiago M. Kapunan and *Solicitor Diosdado S. Saavedra* for respondents.

D E C I S I O N

FERNANDEZ, *J.*:

This is a petition to review the decision of the Minister of Labor dated March 1, 1977 affirming the decision dated September 16, 1974 of Referee Rodolfo S. Milado of Regional Office No. XI, Cagayan de Oro City, dismissing the petitioner's claim for compensation.[1]

The petitioner, Domingo Larioma, filed with the Workmen's Compensation Unit, Regional Office No. XI, Cagayan de Oro City, of the Department of Labor, a Notice of Injury or Sickness and Claim for Compensation. The claim for compensation alleged that Domingo Larioma was employed by the respondent, Maria Cristina Fertilizer Corporation, on October 1, 1960, as maintenance man in a pyrite-acid plant with a monthly salary of ₱195.00; that he worked for eight hours a day from Monday to Friday;

[1] *Rollo*, p. 3.

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that on May 11, 1971, Domingo Larioma stopped working due to an illness of acute hepatitis and returned to work at the end of June 1971; and that on July 1, 1971, he again stopped working due to another ailment, coronary heart disease. It does not appear that he returned to work thereafter.

On September 16, 1974, the referee, Rodolfo S. Milado, rendered a decision dismissing the petitioner's claim for compensation for not being supported by substantial evidence.

The claim was elevated to the then Workmen's Compensation Commission for review but said body failed to decide the case before its abolition.

The function of the defunct Workmen's Compensation Commission was subsequently taken over by the Workmen's Appeal and Review Staff in the Office of the Minister of Labor.

On March 1, 1977, Minister of Labor Blas F. Ople "failing to find any evidence, medical or otherwise, that would warrant the reversal of the referee's findings," issued an order affirming the decision dated September 16, 1974 of Referee Rodolfo S. Milado dismissing the petitioner's claim for compensation.[2]

The only issue involved in this petition for review is whether or not the ailments of Domingo Larioma are compensable.

It is a fact that Domingo Larioma became ill of acute hepatitis and of coronary heart disease during his employment with the Maria Cristina Fertilizer Corporation. The said illnesses having supervened during his employment, there is a disputable presumption that the claim is compensable.[3] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illnesses arose out of the employment. The burden of proof is shifted to the employer to show that the ailments are not compensable.[4] The private respondent, Maria

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[2] *Rollo*, pp. 71-72.

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

[4] *Balanga vs. Workmen's Compensation Commission, et al.*, 83 SCRA 721.

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Cristina Fertilizer Corporation, has failed to adduce evidence to prove that the ailments of the petitioner were neither caused nor aggravated by his employment as maintenance worker in its pyrite-acid plant.

The petitioner is entitled to compensation for complete disability and reimbursement of his medical expenses.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the respondent, Maria Cristina Fertilizer Corporation, is ordered:

1) To pay the petitioner the amount of Six Thousand Pesos (₱6,000.00) as disability compensation;

2) To reimburse the petitioner his medical expenses duly supported by receipts;

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

4) To pay the successor of the Workmen's Compensation Commission the amount of Sixty-one Pesos (₱61.00) as administrative fee.

SO ORDERED.

Teehankee, Acting C.J., (Chairman), Makasiar, Guerrero, De Castro, and *Melencio Herrera, JJ.,* concur.