Supreme Court E-Library

require and that which will promote his early restoration to the maximum level of his physical capacity; and

(3) To pay the administrative fees in the amount of Sixty-One (₱61.00) Pesos.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-43150. December 29, 1978]

ENRIQUE LIM and DOLORES MONTEMER LIM, *petitioners, vs.* **WORKMEN'S COMPENSATION COMMISSION and LA SUERTE CIGAR & CIGARETTE FACTORY,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; APPLICATION. — Where the illness supervened during the employment, there is a legal albeit disputable presumption that the illness was caused by or aggravated by the employment and, therefore, compensable. Although, the physician's report states that the illness was not caused by deceased's employment, the fact that the report also states that the cause of the illness is not known, the presumption in favor of the compensability of the illness cannot be said to have been rebutted.

APPEARANCES OF COUNSEL

Santillan, Serrano & Associates for petitioners.
Natividad, Lobregat & Associates for private respondent.

Supreme Court E-Library

DECISION

FERNANDEZ, *J.*:

This is a petition to review the decision of the Workmen's Compensation Commission in R04-WC Case No. C-7424 entitled "*Enrique Lim, et al., Claimant, versus, La Suerte Cigar & Cigarette Factory, Respondents,*" setting aside the decision of the Team Leader of Regional Office 4 of the Department of Labor, Manila and dismissing the claim of the petitioners on the ground that they failed to establish a substantial case.[1]

The petitioners, Enrique Lim and Dolores M. Lim, are the father and mother of the deceased, Julie M. Lim, who was formerly employed as cellophaner of the respondent, La Suerte Cigar & Cigarette Factory. The said petitioners filed a claim with Regional Office 4 of the Department of Labor at Manila for death benefits arising from the death of their daughter Julie M. Lim caused by acute G.I. hemorrhage and acute abdominal pain contracted during her employment with the La Suerte Cigar & Cigarette Factory.

The Team Leader of Regional Office 4 rendered a decision dated October 30, 1975, the dispositive part of which reads:

"WHEREFORE, respondent La Suerte Cigar and Cigarette Factory is hereby ordered:

1. To pay claimants the sum of FOUR THOUSAND ONE HUNDRED SIXTY (₱4,160.00) PESOS, as death benefit plus ₱200.00 as burial expenses;

2. To pay claimant's counsel Atty. Sannie Santillan the sum of P200.00 as his attorney's fee;

3. To pay this Office the sum of ₱42.00 as fee pursuant to Section 55 of the Act, as amended.

---

[1] *Rollo*, pp. 4-5.

Supreme Court E-Library

SO ORDERED.

Manila, Philippines, October 30, 1975."[2]

The La Suerte Cigar & Cigarette Factory appealed to the Workmen's Compensation Commission which set aside the decision of the Team Leader and dismissed the claim.

The record shows that the petitioners are the parents of Julie M. Lim who was employed as a cellophaner of La Suerte Cigar & Cigarette Factory since 1972 until October 31, 1974 when she contracted her illness in the course of her employment; and that during her employment with La Suerte Cigar & Cigarette Factory, Julie M. Lim suffered an acute G.I. bleeding renal, shot down. In the Physician's Report of Sickness or Illness,[3] the physician stated that the cause of the injury or illness was unknown but that the injury was neither caused by accident in pursuance of employment nor the result of the nature of the employment.

The Workmen's Compensation Commission dismissed the claim exclusively on the report of the attending physician which stated that the death of Julie M. Lim was not the result of the nature of her employment or by the aggravation thereof.

The Workmen's Compensation Commission overlooked the established fact that the illness of Julie M. Lim supervened during her employment with the respondent, La Suerte Cigar & Cigarette Factory. Hence there is a legal albeit disputable presumption that the illness was caused or aggravated by her employment and, therefore, compensable.[4]

While it is true that the Physician's Report states that the illness was not caused by her employment, it also appears from said report that the cause of the illness is not known. In view

---

[3] *Rollo*, p. 7.

[4] *Manila Railroad Company vs. Workmen's Compensation Commission, et al.*, 21 SCRA 98, 103.

Supreme Court E-Library

thereof, it cannot be said that the presumption in favor of the compensability of the illness was rebutted by the Physician's Report. The respondent, La Suerte Cigar & Cigarette Factory, did not present any evidence to show that the illness of Julie M. Lim is not compensable.

The Team Leader of Regional Office 4 of the Department of Labor, Manila, correctly found that under Sections 8, 10 and 12 of the Workmen's Compensation Act, as amended, the petitioners are entitled to 40% of the average weekly wage of their deceased daughter for 205 weeks or the sum of ₱4,160.00 as death benefit plus ₱200.00 burial expenses.

No reimbursement for medical expenses was allowed for lack of evidence to substantiate the same. The petitioners, however, should be allowed to present receipts to support their claim for reimbursement for medical expenses.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the respondent, La Suerte Cigar & Cigarette Factory, is ordered:

1) To pay the petitioners the sum of Four Thousand One Hundred Sixty Pesos (₱4,160.00) as death benefit plus Two Hundred Pesos (₱200.00) as burial expenses;

2) To reimburse the petitioners such medical expenses as may be established by proper receipts;

3) To pay petitioners' counsel the sum of Four Hundred Sixteen Pesos (₱416.00) as attorney's fees; and

4) To pay the successor of the Workmen's Compensation Commission the sum of Forty-Two Pesos (₱42.00) as administrative fee.

SO ORDERED.

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