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FIRST DIVISION

[G.R. No. L-45224. October 15, 1979]

ERIBERTA R. CARIÑO, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION, BUREAU OF PUBLIC SCHOOLS, THE SECRETARY OF LABOR and/or THE COMPENSATION APPEALS & REVIEW STAFF, DEPARTMENT OF LABOR,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; PETITION FOR RELIEF FROM JUDGMENT; GROUNDS; PRESSURE OF WORK BY COUNSEL IS NOT THE EXCUSBLE NEGLIGENCE CONTEMPLATED UNDER SECTION 1, RULE 22 OF THE WORKMEN'S COMPENSATION COMMISSION RULES; CASE AT BAR.**— The counsel for the respondent received the decision of the Acting Referee on October 21, 1975, yet, allegedly "due to pressure of work," counsel for the respondent waited up to November 24, 1975, the 34th day counted from receipt of said decision to file the petition for relief from judgment despite his claim that he knew that the respondent had valid defenses in the original action. This, again is not the excusable negligence contemplated under Section 1, Rule 22 of the WCC Rules. Pressure of work by counsel is not a valid excuse for the late filing of the required pleading in this case.

2. **ID.; ID.; JUDGMENT; WHEN FINAL AND EXECUTORY.**— The decision of the Acting Referee dated October 14, 1975, copy of which was received by the counsel for the respondent on October 21, 1975, became final and executory on November 20, 1975 and could no longer be set aside by the Commission as the petition to elevate records for relief from judgment was filed beyond the reglementary period.

3. **ID.; ID.; ILLNESS; PRESUMPTION OF COMPENSABILITY; APPLICATION.**— Indeed, there is the work-connected or work-aggravated principle which can be stated thus: When an injury

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or illness occurs in the course of one's employment, the rebuttable presumption is that said injury or illness arose out of such employment, or to say the least, was aggravated by it.

4. **ID.; ID.; ID.; ID.; IT IS INCUMBENT UPON THE EMPLOYER TO PROVE BY SUBSTANTIAL EVIDENCE THAT THE SAID AILMENT DID NOT OR COULD NOT HAVE ARISEN OUT OF OR HAVE BEEN AGGRAVATED BY THE PETITIONER'S EMPLOYMENT.**— The burden is thus shifted to the respondent-employer to prove otherwise by substantial evidence, that is, that the ailment could not have been caused by the nature or conditions of the employment. In other words, it was clearly incumbent upon the employer "to prove by substantial evidence, after a preliminary link of the illness to the employment was established, that the said ailment *did not* or *could not* have arisen out of or been aggravated by the petitioner's employment". Failure on the part of the employer to establish such evidence of non-work connection, or non-work aggravation, to say the very least, is fatal to its contest of the claim for disability.

APPEARANCES OF COUNSEL

Felizardo R. Moreno for petitioner.

Acting Solicitor General Vicente V. Mendoza, Assistant Solicitor General Eulogio Raquel-Santos and *Solicitor Teodoro G. Bonifacio* for respondents.

D E C I S I O N

MAKASIAR, *J.*:

This is a petition for *certiorari* praying that the decision of the respondent Commission dated January 16, 1976, be set aside and/or declared null and void *ab initio*; that the decision of the Acting Referee of the Regional Office No. 4, Department of Labor, Manila, dated October 14, 1975 be reinstated; that an additional amount of ₱300.00 be awarded as attorney's fees; and that the disability benefit award be increased from ₱5,677.50 to the maximum of ₱6,000.00.

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The only ground relied upon by the petitioner is that the respondent Commission had no valid authority to review a decision of the Acting Referee after it had become final and executory, for failure of the aggrieved party to seasonably file a petition for relief from judgment as provided for in the rules of the Commission.

Petitioner Eriberta R. Cariño was a former teacher in the Bureau of Public Schools. She started working in the Bureau of Public Schools as classroom teacher on June 30, 1930 and stopped working on April 15, 1973 due to disability for labor. Petitioner was on sick leave of absence from September 11 to September 30, 1972 due to "acute gastro-enteritis, secondary to anemia and infection."

On October 14, 1975, Acting Referee G. Marmita rendered a decision in RO4-WC Case No. 150050 "awarding to the petitioner a disability compensation benefit for the sum of ₱5,677.50, plus a weekly sum of ₱43.75 until the illness is cured but not to exceed ₱6,000.00, x x x," the reason being that "petitioner contracted hypertension, rheumatism, acute gastro-enteritis and anemia, all supervening in the course of her employment x x x," but without reimbursement of medical expenses as there were no official receipts to support the same. Copy of the Acting Referee's decision was received by counsel for the respondent, Republic of the Philippines, on October 21, 1975.

On November 24, 1975, respondent Republic of the Philippines filed with the defunct Workmen's Compensation Commission a verified petition to elevate records for relief from judgment, on the ground that it was prevented from appealing the aforementioned award of the Acting Referee by reason of accident and/or excusable negligence, pursuant to and in accordance with Sections 1 and 3, Rule 22 of the Rules of the Workmen's Compensation Commission. Acting on the said petition to elevate records for relief from judgment, the Workmen's Compensation Commission, through then Associate (Medical) Commissioner Herminia Castelo-Sotto, and concurred in by Associate Commissioner Eugenio I. Sagmit, Jr., after a review of the

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records, reversed the decision of the acting referee and absolved the respondent Republic of the Philippines from any liability under the Workmen's Compensation Act, despite its own findings that:

"x x x claimant was employed with the respondent as classroom teacher sometime in 1930. Her service was interrupted by the outbreak of the Second World War. She was reinstated thereafter and continued serving the respondent as classroom teacher until she was given in 1971, a last rate of salary of ₱3,992.00 per annum. A medical certificate attached to the records shows claimant to have acute entero-colitis with secondary anemia and acute infection, for which she applied for sick leave of absence from September 11 to 30, 1972. There is, likewise, a photofluorography examination report purportedly taken on the claimant on August 9, 1969, showing her right hemithorax to have hazy apex and her left hemithorax to be apparently clear. No other medical document could be found in the record of this case."

Hence, this petition for *certiorari*.

The issues raised by the herein petitioner are: (1) whether or not the petition to elevate records for relief from judgment was filed on time and for causes allowed by law; and (2) may the decision or award issued by the Acting Referee in the original case still be set aside and substituted with another by the WCC after the lapse of the period for the filing of a petition to elevate records for relief from judgment?

Sections 1 and 3 of Rule 22 of the WCC Rules provide:

"Section 1. Petition to Elevate Records for Relief from Judgment. —When a decision, award, or order on the merit has been rendered or issued by the Chief of the Unit or Hearing Officer or Referee in a case, and the aggrieved party thereto by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal, he may file a petition with the Commission praying that the records be elevated to said Commission for review and the questioned decision, award or order be set aside."

"*Section 3. Time for Filing Petition, Contents and Verification.* — The petition under Section 1 hereof must be verified, filed within thirty (30) days after the petitioner learns of the decision, award, or

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order or other proceedings sought to be set aside and not more than three (3) months after such decision or award was entered or such proceedings were taken, and must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence relied upon and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be."

The decision of the Acting Referee in the original case clearly states that respondent's counsel failed to appear for the hearing despite notice. In other words, respondent through counsel even during the trial on the merits of the original case waived its right to interpose defenses, if any it had (Annex "A", p. 12, rec.). It could hardly be said therefore that the respondent had been unjustly deprived of a hearing therein through fraud, accident, mistake or excusable negligence; for prudence demand that if it could not attend the hearing which was held in Manila, the office of the Solicitor General could have deputized the legal officer of the Department of Education to appear at the hearing.

Again, the counsel for the respondent received the decision of the Acting Referee on October 21, 1975, yet, allegedly "due to pressure of work," counsel for the respondent waited up to November 24, 1975, the 34th day counted from receipt of said decision to file the petition for relief from judgment despite his claim that he knew that the respondent had valid defenses in the original action. This, again is not the excusable negligence contemplated under Section 1, Rule 22 of the WCC Rules. Pressure of work by counsel is not a valid excuse for the late filing of the required pleading in this case (*Pantoja vs. ECC*, L-43317, Dec. 29, 1978; *Bilbao vs. Rep.*, 80 SCRA 178 [1977]).

The purpose of Sections 1 and 3 of Rule 22 of the Rules of the WCC is to give meaning to the doctrine of finality of judgment.

Section 3 of Rule 22 of the WCC Rules aforequoted clearly states that the petition to elevate records for relief from judgment rendered by the Chief of the Unit or Hearing Officer or Referee in a case must be verified and filed within 30 days after petitioner learns of the decision or award.

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The respondent filed its petition to elevate records only on the 34th day counted from receipt of a copy of the award in question (see Memo for Respondent, p. 5, last par.). It is thus clear that the respondent Commission in taking cognizance of the petition to elevate records acted beyond the scope of its authority since the award in question has become final and executory. Thus, in a case, the Honorable Supreme Court said:

"Notwithstanding that on the face of the pleading and from the record itself, it was patent that the decision-award had long become final and executory and that the petition for relief (prescinding from the validity or lack thereof of the reason given was filed also outside the reglementary grace period therefor (within 30 days from knowledge of the decision-award and within 3 months from entry thereof) respondent Commission nevertheless took cognizance thereof and in its decision of March 8, 1976 reversed the decision-award and dismissed the claim 'for lack of merit'" [*La Paz Martinez vs. WCC, et al.*, L-43744, Oct. 8, 1976].

"RULING: The statutory periods for appeal and for petitions for relief from judgment are not merely matters of form but of substance, dealing as they do with the very jurisdiction of the commission.

"As reaffirmed by the Court in *Soliven vs. Workmen's Compensation Commission*, it is settled doctrine that '(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date filed by law' x x x" [*Amado T. Cruz vs. Compensation Commission & Republic*, L-42739].

The decision of the Acting Referee dated October 14, 1975, copy of which was received by the counsel for the respondent on October 21, 1975, became final and executory on November 20, 1975 and could no longer be set aside by the Commission as the petition to elevate records for relief from judgment was filed beyond the reglementary period.

On the merits of the instant case, the success of petitioner's claim for disability is nothing short of inevitable. It cannot be

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otherwise since herein petitioner is well aided by the legal presumption and doctrines consistently adhered to by this Court.

Indeed, there is the work-connected or work-aggravated principle which can be stated thus: When an injury or illness occurs in the course of one's employment, the rebuttable presumption is that said injury or illness arose out of such employment, or to say the least, was aggravated by it. In the instant case, petitioner had rendered continuous service to her employer, which is the Government, for almost forty-three (43) years since 1930, interrupted only by a brief sick leave of absence from September 11 to September 30, 1972 due to acute gastro-enteritis, secondary to anemia and infection, after which she resumed work for her employer until April 15, 1973 when she actually stopped working. Fairness and justice cannot but lead Us to grant that petitioner's nature of work as a classroom teacher, which, in the words of the Acting Referee of Regional Office No. 4, "involved stresses, strains, fatigue and exposures to the elements," affected her physical condition such that she eventually contracted hypertension, rheumatism, acute gastro-enteritis and anemia. Since all these supervened during petitioner's long period of employment, the presumption arises that they arose out of employment or was at least aggravated by it.

The burden is thus shifted to the respondent-employer to prove otherwise by substantial evidence, that is, that the ailment could not have been caused by the nature or conditions of the employment (see *NASSCO vs. WCC, et al.*, 19 SCRA 254, Jan. 31, 1967, L-22628). In other words, it was clearly incumbent upon the employer "to prove by substantial evidence, after a preliminary link of the illness to the employment was established, that the said ailment *did not* or *could not* have arisen out of or been aggravated by the petitioner's employment" (*Vargas vs. Phil. Amer. Embroideries, Inc.*, 34 SCRA 680, Aug. 31, 1970, L-23762). Failure on the part of the employer to establish such evidence of non-work connection, or non-work aggravation, to say the very least, is fatal to its contest of the claim for disability. As was held in the case of *Ma. Cristina Fertilizer Corp. vs. WCC* [60 SCRA 228, Oct. 21, 1974, L-29998]:

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"It is now well-settled that once it is established that the illness supervened during employment, as in this case, there is a rebuttable presumption that such illness arose out of the employment or was at least aggravated by it and the employer has the burden of proving the contrary by substantial evidence. Here the petitioner failed to discharge that burden. It did not adduce substantial evidence tending to show that the disease which caused the death of the late Alfonso Castillo was not service-connected . x x x"

To the same effect are the rulings of this Court in the cases of *Vda. De Flores vs. WCC* (78 SCRA 17, July 21, 1977, L-43316); *Espino vs. WCC* (78 SCRA 189, July 29, 1977, L-43638); *Dimaano vs. WCC* (78 SCRA 506, Aug. 31, 1977, L-43553); and *Vallo vs. WCC* (L-41816, 73 SCRA 623, Oct. 29, 1976).

A thorough explanation in this respect was made in *Abana vs. Quisumbing* (L-23489, 22 SCRA 1278, 1272-1283, March 27, 1968). The Court declared thus:

"While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show that the hypothesis on which he bases his claim is probable."

Clearly then, a mere showing that the nature of the claimant's work and duties did or could have aggravated her illness would suffice, and entitles said claimant to the benefits due her under the Workmen's Compensation Act, considering further that herein claimant had dedicated the best years of her life to the service of her employer.

A reasonable compensation is all that the petitioner herein prays for. It must be so heard and granted if We are to give

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effect to the objectives enshrined in the Workmen's Compensation Act which seek to "give relief to the workman x x x and secure him and his dependents against becoming the object of charity x x x" (*Manansala vs. Republic*, L-38184, 57 SCRA 231, 234, May 30, 1974, citing *ITEMCOP vs. Florzo*, 17 SCRA 1104).

WHEREFORE, THE DECISION OF THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND THE RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY DIRECTED.

I. TO PAY

A THE PETITIONER-CLAIMANT ERIBERTA CARIÑO.

(1) THE SUM OF SIX THOUSAND [₱6,000.00] PESOS BY WAY OF DISABILITY COMPENSATION; AND

(2) ATTORNEY'S FEES EQUIVALENT TO TEN PERCENT [10%] OF THE AMOUNT OF THE AWARD;

II. TO REIMBURSE PETITIONER HEREIN HER MEDICAL AND HOSPITAL SERVICES DULY EVIDENCED BY PROPER RECEIPTS THEREFOR; AND

III. TO PAY THE SUM OF SIXTY-ONE (₱61.00) PESOS AS ADMINISTRATIVE FEE.

SO ORDERED.

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