Supreme Court E-Library

FIRST DIVISION

[G.R. No. L-42560. March 30, 1979]

ESTELITA B. MICU, *petitioner, vs.* **THE WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES (Bureau of Agricultural Extension),** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURE; APPEAL; PRESSURE OF WORK NOT A VALID GROUND FOR DELAY.** — Volume and pressure of work is not a valid excuse for not filing an appeal or petition for relief on time.

2. **LEGAL AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; APPLICATION.** — Where the illness (Myoma, Uteri) supervened during the claimant's employment, it is presumed that the claim is compensable, and the burden proof shifts to the employer and the employee is relieved of the burden to show causation. The failure of the employer to rebut the presumption entitles the employee to compensation.

APPEARANCES OF COUNSEL

Justo T. Micu for petitioner.
Brenda P. Lomabao for respondent Commission.
Office of the Solicitor General for respondent Republic.

D E C I S I O N

FERNANDEZ, *J.*:

This is a petition to review the decision of the Workmen's Compensation Commission in RO2 WCU Case No. 6112-C entitled "*Estelita Micu,* Claimant, *versus, Republic of the Philippines (Bureau of Agricultural Extension),* Respondent" reversing the decision of the Chief, Workmen's Compensation

Supreme Court E-Library

Unit, Regional Office No. 2, and absolving the respondent from any liability under the Workmen's Compensation Act.[1]

On March 3, 1975, Estelita Micu, petitioner, filed a Notice of Injury and Claim for Compensation seeking to recover disability compensation and reimbursement of medical expenses arising from a sickness which allegedly supervened during her employment with the respondent Bureau of Agricultural Extension. Said respondent filed its Employer's Report. On the date of the hearing only the claimant and her counsel appeared. The respondent, although duly notified, did not appear. The claimant was allowed to adduce her evidence *ex-parte*.[2]

The evidence established that Estelita Micu was employed as technician with the Bureau of Agricultural Extension in 1954; that later her salary was ₱4,771.20 per annum; that during her employment with said respondent, she contracted illness diagnosed as "*Myoma, Uteri*" which was aggravated by reason of the nature of her employment because she had to go on field work at her station even during inclement weather and during her menstrual period she had profuse bleeding; that by reason of such ailment, she submitted to medical examination and was found that she had to undergo operation; that the claimant was operated twice, on October 16 and on October 18, 1974; that she spent the sum of ₱3,000.00 for hospitalization and medication but only the sum of ₱2,893.74 was recommended by the Medical Rating Officer; that the claimant worked on and off on account of her sickness; that she went on sick leave of absence from July 22, 1974 to May 11, 1975; and that the claimant filed an application for optional retirement effective at the close of office hours on May 30, 1975.[3]

On the basis of the evidence of record, the Chief, Workmen's Compensation Unit of Region Office No. 2 declared the claimant to be entitled to benefits on the following considerations:

---

[1] Annex "D", *Rollo*, pp. 26-27.

[2] Annex "A", *Rollo*, p. 19.

[3] *Rollo*, pp. 19-20.

Supreme Court E-Library

"Considering, the probative value of the evidence adduced during the hearing of this case, we find, that the claimant is entitled to the benefits of the Workmen's Compensation Act, as amended, as follows:

(1) Under Section 13 of the Act, the claimant is entitled to the reimbursement of her medical, surgical and hospital expenses, as the nature of her sickness so require. In this case, claimant alleged to have spent the sum of more than THREE THOUSAND (₱3,000.00) PESOS, but only the sum of ₱2,893.74 was duly recommended by the Medical Rating Officer to be reimbursed to the herein claimant after careful scrutiny of these medical receipts and therefore, the claimant is only entitled to the amount recommended by the doctor to be reimbursed in the sum of TWO THOUSAND EIGHT HUNDRED NINETY THREE (₱2,893.74) PESOS & 74/100 Centavos.

(2) Under Section 14 of the Act, the claimant is entitled to compensation for disability for labor for the periods that she was *incapacitated for labor equivalent to sixty (60%) per centum of the* average weekly wage of the claimant for 42 weeks. Sixty (60%) per centum of the average weekly wage of the claimant which was ₱91.75 (₱4,771.20 v 52 = ₱91.75 x 60% - ₱55.05 x 42 - ₱2,312.10) equals ₱55.05 and for 42 weeks, the claimant is entitled to a sum of TWO *THOUSAND THREE HUNDRED TWELVE (₱2,312.10) PESOS & 10* Centavos.

NOW THEREFORE, under Sections 13 and 14 of the Act, the claimant is entitled to a total sum of FIVE THOUSAND TWO HUNDRED FIVE (₱5,205.84) PESOS & 84/100 Centavos, representing reimbursement of her medical, surgical and hospital expenses and compensation for disability for labor. The check or money order covering payment of compensation benefits should be drawn in favor of the claimant and remitted to this Office for record purposes.

DECISION, therefore, is hereby entered in favor of the claimant and against the respondent and the respondent is directed to pay the following:

(1) To the claimant, THRU THIS OFFICE, the sum of FIVE THOUSAND TWO HUNDRED FIVE (₱5,205.84) PESOS & 84/100 Centavos, representing reimbursement of her medical, surgical and hospital expenses and compensation for her disability for labor, pursuant to Sections 14 and 13 of the Act.

(2) TO THIS OFFICE, the sum of FIFTY TWO (₱52.00) PESOS, representing FEE, pursuant to Section 55 of the Act.

Supreme Court E-Library

(3) To Atty. JUSTO MICU of San Matero, Isabela, the sum of ₱260.29 representing Attorney's Fees, pursuant to Section 31 of the Act."[4]

The respondent, Republic of the Philippines (Bureau of Agricultural Extension), admits that the decision rendered by the Chief of the Workmen's Compensation Unit of Regional Office No. 2 was received by its counsel on August 4, 1975 and that the petition to elevate the records for relief from judgment was filed on September 30, 1975, after the lapse of the period for filing the motion for reconsideration but justifies the delay on the ground of pressure and volume of work of the respondent's counsel.[5] We have held in several cases that volume and pressure of work is not a valid excuse for not filing an appeal or petition for relief on time.[6]

Granting *arguendo*, that there was justification for the late filing of the petition to elevate the records for relief from judgment, this Court finds that the petition for review is meritorious.

The Workmen's Compensation Commission absolved the respondent, Republic of the Philippines (Bureau of Agricultural Extension), from liability on the ground that the petitioner's sickness, *Myoma Uteri*, is tumor of the uterus which is neither caused nor aggravated by her employment.[7]

It is a fact, however, that the petitioner contracted her illness during her employment with the Republic of the Philippines (Bureau of Agricultural Extension) and that said illness was aggravated by her employment. Even during inclement weather she had to perform field work and during her menstrual period she had profuse bleeding. Moreover, the illness supervened during her employment with the respondent, Republic of the

---

[4] *Rollo*, pp. 20-21.

[5] Memorandum for Respondent Republic of the Philippines, p. 3.

[6] *Solite vs. Workmen's Compensation Commission, et al.*, 75 SCRA 388; *Cruz vs. Workmen's Compensation Commission, et al.*, 81 SCRA 445.

[7] *Rollo*, p. 27.

Supreme Court E-Library

Philippines (Bureau of Agricultural Extension). Hence, it is presumed that the claim is compensable.[8]

In *Simon versus Republic of the Philippines (Supreme Court)*,[9] this Court said:

"x x x In a very recent case penned by Mr. Justice Claudio Teehankee, this Court held: 'x x x assuming the employee's illness may be ruled out as an occupational disease or that the causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act, that the employee's illness which supervened during his employment either arose out of, or at least aggravated by said employment and with this presumption the burden of proofs shifts to the employer and the employee is relieved of the burden to show causation. In the case before Us, the respondent has failed to discharged that burden x x x"

The respondent, Republic of the Philippines (Bureau of Agricultural Extension), did not adduce any evidence. The presumption that the claim is compensable was not rebutted.

WHEREFORE, the decision appealed from is hereby set aside and the respondent, Republic of the Philippines (Bureau of Agricultural Extension), is ordered:

1) To pay the claimant the sum of Two Thousand Three Hundred Twelve Pesos and Ten Centavos (₱2,312.10) as compensation benefit;

2) To pay the claimant the sum of Two Thousand Eight Hundred Ninety-Three pesos and Seventy-Four Centavos (₱2,893.74) as reimbursement for medical expenses if supported by proper receipts;

3) To pay the claimant attorney's fees in the amount of Five Hundred Twenty Pesos (₱520.00); and

---

[8] Section 44, Workmen's Compensation Act, as amended.

[9] 71 SCRA 643, 646.

Supreme Court E-Library

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

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-43271. March 30, 1979]

FELIZARDO MARASIGAN, *petitioner, vs.* **THE WORKMEN'S COMPENSATION COMMISSION and BLUE BAR COCONUT PHILIPPINES, INC.,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; SUPERVENING ILLNESS PRESUMED COMPENSABLE.**— Where the Compensation Rating Medical Officer found that claimant has suffered from temporary total disability for labor for 183 days by PTB minimal which supervened during his employment a presumption arises that the claim is compensable. Assuming that the employee's illness be ruled out as an occupational disease or that causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act, that the employee's illness which supervened during his employment either arose out of, or at least aggravated by said employment and with this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.