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FIRST DIVISION

[G.R. No. L-43627. May 31, 1979]

GALIA TAMBASEN, *petitioner, vs.* **THE WORKMEN'S COMPENSATION COMMISSION and THE PROVINCE OF NEGROS OCCIDENTAL (Provincial Health Center),** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; APPLICATION. — Where it is undisputed that the illness supervened during the employment of the claimant, a disputable presumption that the claim is compensable arises. The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable.

APPEARANCES OF COUNSEL

Erde R. Dato & Wilson P. Gamboa for petitioners.
Quirino V. Bat-og, Jr. for respondents.

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 WC Case No. 10869 entitled "*Galia Tambasen*, Claimant, *versus*, *Province of Negros Occidental (Provincial Health Office)*, Respondent" setting aside the decision of the Acting Referee of the Workmen's Compensation Unit, ROVII, Bacolod City and dismissing the case for lack of merit.[1]

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[1] Annex "A", *Rollo*, pp. 11-13.

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The claimant, Galia Tambasen, filed a claim for compensation with the Workmen's Compensation Unit at Bacolod City for an illness diagnosed as Menorrhagia and Metrorrhagia which allegedly arose in connection with her work with the Province of Negros Occidental (Office of the Provincial Health).

The respondent contended that the nature of work of the claimant had nothing to do with her abortion; that abortion of an expectant mother with or without the contributing factors cited by the herein claimant and the disability claimed by her is apparently not compensable; and that the Physician's Report submitted by claimant in support of her claim was not duly signed by her attending physician.

After hearing on the merits, the Acting Referee rendered a decision in favor of the claimant, the dispositive part of which reads:

"WHEREFORE, decision is hereby rendered ordering the respondent to pay:

(a) To the claimant, thru this Office, the amount of THREE THOUSAND FOUR HUNDRED FIFTY FIVE & 70/100 PESOS (₱3,455.70) as compensation (60% N.S.D. estimated by Dr. Antonio M. Habana, Compensation Rating Medical Officer of this Office) under Sec. 18 of the Act;

(b) Attorney's fees to counsel for claimant Atty. Wilson Gamboa, equivalent to 5% of the compensation which is ONE HUNDRED SEVENTY TWO PESOS & 78/100 (₱172.78); and

(c) To this Office, the amount of THIRTY FIVE PESOS (₱35.00) as administrative fees, pursuant to Sec. 55 of the act.

SO ORDERED."[2]

The respondent, Province of Negros Occidental (Provincial Health Center), appealed to the Workmen's Compensation Commission which dismissed the case on the ground that the illness of the claimant clinically diagnosed as Menorrhagia and Metrorrhagia does not fall within the coverage of the compensatory provisions of the Workmen's Compensation Act,

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[2] Annex "B", *Rollo*, pp. 16-17.

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said malady being purely a woman's disease and not an occupational disease within the meaning of said Act.

The petitioner contends that "The findings of referee Cesar D. Sideño in his decision (ANNEX 'B') deserves more weight inasmuch as he presided in the hearing of the case from its start to completion."[3]

The petition is meritorious.

It is undisputed that the illness supervened during the employment of the petitioner with the respondent, Province of Negros Occidental (Provincial Health Office). Hence, there is a disputable presumption that the claim is compensable.[4] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable.[5]

The claimant, petitioner herein, did not rely on the disputable presumption alone. She presented evidence that she acquired her illness as a result of the nature of her employment in the Province of Negros Occidental (Provincial Health Office).

The evidence showed that the claimant, petitioner herein, was employed with the respondent, Province of Negros Occidental (Office of the Provincial Health), on October 1, 1955 as office helper of the Provincial Health Office; that on July 1, 1970, the petitioner received an office order from the Provincial government, through Dr. Rufino C. Suplico, Provincial Health Officer, instructing her to report to Dacongcogon, as representative of the Provincial Health Office, to assist in the health activities in connection with the socio-economic program of the Provincial government at Dacongcogon, a rugged and mountainous resettlement situated at about 140 kilometers south

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[3] Petition, *Rollo*, p. 8.

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

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

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of the City of Bacolod; and that the petitioner complied with the order.

The evidence also established that the petitioner's work at Dacongcogon consisted of field work which involved continuous visit to far-flung and rugged barrios and sitios around Dacongcogon, under all weather conditions; that in view thereof, her physical condition deteriorated; that on April 1, 1972 she had vaginal bleeding; that the petitioner did not know that she was pregnant three (3) months, that she suffered pain and recurrent prolonged vaginal bleedings; that petitioner continued discharging her duties until her condition became severe; and that on May 10, 1972, she was confined and later on operated on at the Silay-Saravia Medical Center by Dr. Vicente Madella (Exhibit "H"). In support of her claim for medical expenses, the petitioner submitted receipts for medical services and supplies in the total amount of ₱2,079.34.[6]

The Acting Referee considered the illness of the petitioner as having been caused by her work because:

"Claimant's nature of work which involved her to engage in strenuous activities consisting of field work with continuous visits to far-flung areas with rugged and bumpy terrain under all weather conditions have definitely caused her to contract her illness which lead to her operation. Consideration must be given to the fact that claimant, who at the time was three (3) months on the family way, had to go up the mountains in order to assist in the health activities in connection with the socio-economic program of the government. It constrained her to travel 140 kilometers from the City of Bacolod in order to reach her place of work. She had to climb mountains and cross streams in order that she could perform her duties. Definitely, considering her pregnant condition, her method of travelling led to her bleeding. This contention is further bolstered by Dr. Vicente Madella, who was the attending physician of the claimant and who signed the Physician's Report, contrary to the allegation of respondent that the same was unsigned. Based on the foregoing, we are of the opinion that claimant's illness which led to her operation has a causal connection with her employment. Further assessment of the evidence

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[6] *Rollo*, pp. 14-15.

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submitted by the claimant to this Office revealed that the cost of her medicines and other incidental expenses in connection with her illness could be considered as lair, reasonable and in consonance with her standard of living."[7]

The foregoing findings are supported by the evidence of record.

The Compensation Rating Medical Officer of the Workmen's Compensation Unit at Bacolod City computed the amount of ₱3,455.70 as compensation (60% N.S.D.).

The amount of compensation awarded to the petitioner is in accordance with law.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the respondent, Province of Negros Occidental (Provincial Health Office), is ordered:

a) To pay the petitioner the amount of Three Thousand Four Hundred Fifty-Five Pesos and Seventy Centavos (₱3,455.70) as compensation (60% N.S.D.);

b) To pay the petitioner the amount of Three Hundred Forty-Five Pesos (₱345.00) as attorney's fees; and

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

SO ORDERED.

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

Makasiar, J., concurs in a separate opinion.

MAKASIAR, *J., concurring:*

I concur with the additional opinion that the respondent employer should likewise be directed to continuously provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of her disability

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[7] *Rollo*, p. 16.

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and the progress of her recovery may require and which will promote her early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 185 of the New Labor Code confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this code, including its implementing rules and regulations, shall be resolved in favor of labor," which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

FIRST DIVISION

[G.R. No. L-43852. May 31, 1979]

REPUBLIC OF THE PHILIPPINES, *petitioner-appellee, vs.* **TEODOCIA LOZADA,** *applicant-respondent-appellant.*

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; EFFECT IN CASE THERE IS FRAUD IN THE APPLICATION. — Where the applicant did not disclose in her application for registration the vital facts that her husband's previous application for a revocable permit and to purchase the lands in question from the Bureau of Lands had been rejected, because the lands were already reserved as