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the normal duties of his work by pulmonary tuberculosis which supervened during his employment with the Philippine National Railways. Under the established facts and circumstances, he is entitled to disability benefits and to reimbursement of medical expenses which may be supported by proper receipts.

WHEREFORE, the decision appealed from is hereby set aside and the respondent, Philippine National Railways, is ordered:

1) To pay Candida Vda. de Ballestamon, widow of the claimant, Gregorio Ballestamon, the sum of Six Thousand Pesos (₱6,000.00) as disability benefits;

2) To reimburse the petitioner medical expenses which may be supported by proper receipts;

3) To pay counsel of 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 fees.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-43226. September 30, 1978]

GREGORIA MARQUEZ, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION, BUREAU OF PUBLIC SCHOOLS AND THE SOLICITOR GENERAL,** *respondents.*

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SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; ILLNESS SUPERVENING DURING EMPLOYMENT PRESUMED CAUSED OR AGGRAVATED BY EMPLOYMENT.** — Where the illness supervened during employment, a disputable presumption arises that said illness was caused or aggravated by his employment.

2. **ID.; ID.; TEMPORARY TOTAL DISABILITY; WHEN COMPENSABLE.** — Where an employee during his period of employment suffered from an illness which was caused or aggravated by his employment, and during the period of his treatment, he could not render service for forty-five (45) days, but later became well after the period of medical treatment and was reinstated to his work, such employee may be entitled to compensation for temporary total disability for labor pursuant to Section 14 of the Workmen's Compensation Act, but not under Section 18 of said Act because claimant was able to work and receive pay after he became well.

3. **ID.; MEDICAL BENEFITS; CLAIMANT ENTITLED TO REIMBURSEMENT IF SUPPORTED BY PROPER RECEIPT.** — A claimant is entitled to reimbursement of his medical expenses if supported by proper receipts.

APPEARANCES OF COUNSEL

Alfredo L. Rojo for petitioner.

Acting Solicitor General Hugo E. Gutierrez, Jr., and *Assistant Solicitor General Reynato S. Puno* 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 R07-WC Case No. 1646 entitled "*Gregoria Marquez*, Claimant, *versus*, *Republic of the Philippines (Bureau of Public Schools)*, Respondent," reversing the decision of the Acting Referee in Sub-Regional Office

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No. 7, Bacolod City, and absolving the Bureau of Public Schools from any liability.[1]

A claim for compensation was filed by Gregoria Marquez on March 21, 1975 with the Workmen's Compensation Unit at Bacolod City for her illness of "Resoma Uteri, Cystic Ovary, Bilateral" alleged to have supervened during her employment as classroom teacher in Rizal Elementary School, Bacolod City, Bureau of Public Schools.

The Acting Referee granted the claimant compensation for temporary total disability for labor for forty five (45) days.[2] The Bureau of Public Schools appealed to the Workmen's Compensation Commission which reversed the decision of the Acting Referee.

The claimant, Gregorio Marquez, while employed as a classroom teacher of the Bureau of Public Schools at the Rizal Elementary School, Bacolod City became sick on February 28, 1970 of "Resoma Uteri, Cystic Ovary, Bilateral." She was given medical treatment for forty five (45) days. At the time claimant became sick of the aforementioned illness, she was receiving a monthly salary of ₱349.00 working at least five (5) days a week as a permanent employee. The claimant was operated on by reason of her illness. During the period of her treatment, she could not render service for forty five (45) days. When she became well, she was reinstated to her position as classroom teacher.

The claimant attributed her illness to the nature of her work. According to her, during the period of her employment, she was exposed to the heat, rain and inclement weather which made her susceptible to illness. She had to stand for hours and she could not easily leave her classroom notwithstanding personal necessity, specially if there was an observer.

The claimant's illness having supervened during her employment, there is a disputable presumption that said illness

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[1] Annex "A", *Rollo*, pp. 7-8.

[2] *Rollo*, pp. 9-11.

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was caused or aggravated by her employment.[3] Moreover, the claimant adduced evidence that her illness was either caused or aggravated by the nature of her work as a classroom teacher.

The respondent, Bureau of Public Schools, did not present any evidence to show that the illness of the claimant was neither caused nor aggravated by her work as classroom teacher.

The Referee of the Workmen's Compensation Unit at Bacolod City granted the petitioner compensation for temporary total disability for labor for forty five (45) days in the amount of ₱310.63 pursuant to Section 14 of the Workmen's Compensation Act. No compensation under Section 18 of said Act was granted because the claimant was able to work and receive pay after she became well. As reflected in question No. 16 of the notice of injury she filed, she became well after the period of medical treatment and she was reinstated to her work.

The petitioner is also entitled to reimbursement of her medical expenses if supported by proper receipts.

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

1) To pay the petitioner compensation for her temporary total disability for labor for forty five (45) days in the amount of Three Hundred Ten Pesos and 63/100 (₱310.63);

2) To reimburse the petitioner of medical expenses if supported by proper receipts; and

3) To pay the successor of the Workmen's Compensation Commission the amount of Five Pesos (₱5.00) as administrative fees.

SO ORDERED.

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

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