Supreme Court E-Library

FIRST DIVISION

[G.R. No. L-47099. November 16, 1979]

IGNACIO DE LOS ANGELES, *petitioner, vs.* **GOVERNMENT SERVICE INSURANCE SYSTEM (Philippine Coconut Authority) and the EMPLOYEES COMPENSATION COMMISSION,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION LAW; WHEN THERE IS A SHOWING THAT THE AILMENT WAS CONTRACTED OR AGGRAVATED IN THE COURSE OF ONE'S EMPLOYMENT, PRESUMPTION OF COMPENSABILITY ARISES.—Under the old Workmen's Compensation Law, when there is a showing that the ailment was contracted and/or aggravated in the course of one's employment, presumption of compensability arises and the burden of destroying this presumption is upon the employer. ... Pursuant to this legal presumption in a spirit of utmost liberality called for by the social and humane character of the law, the Court held that the *exact cause* of the ailment suffered by a claimant *is not significant* and the possibility that factors other than the employment, *such as advancing age*, may have caused or contributed in the development of the ailment *is not a drawback*, for what is *material* and decisive is that the employment contributed even in a small degree in aggravating the ailment (*Abana vs. Quisumbing*, 22 SCRA 1278). This is in consonance 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 (Separate Opinion, L-42471, *Espiritu vs. WCC, et al.*, Aug. 22, 1978).

Supreme Court E-Library

APPEARANCES OF COUNSEL

De Los Angeles in his own behalf.
Manuel M. Lazaro for respondent GSIS.
Baldomero Gatbonton for other respondent.

D E C I S I O N

MAKASIAR, *J.*:

This is a petition for *certiorari* (review of the decision of the ECC) filed by petitioner Ignacio de los Angeles against respondents Government Service Insurance System (GSIS), the Philippine Coconut Administration (PCA) and the Employees Compensation Commission (ECC), praying, *inter alia,* that the decision of the ECC in ECC Case No. 0233 denying his claim for employee's compensation benefits be reversed.

Upon being required to comment on the petition, respondent PCA filed a manifestation (p. 33, rec.) praying that it be relieved of the duty to submit its comment on the petition for reasons stated therein, which prayer was granted in a resolution of this Court dated December 2, 1977 (p. 36, rec.).

It appears that petitioner was employed as Quality Control Agent of the Philippine Coconut Authority since January 17, 1955 up to October 1, 1975. During the period of his employment, he was assigned at several stations inspecting the quality of copra for export. In the performance of his assigned task, he had to travel several kilometers from his place of work to places where copras are loaded and unloaded. When he was assigned in Leyte and Samar, he had to travel about 500 kilometers from Tacloban City to Borongan, Eastern Samar. In the latter years of his employment, *he became sick first with cerebral ischemia at the age of 52 years in 1965 when he first felt the symptoms of cerebral thrombosis, until October 1, 1975, at the age of 62 when he retired optionally* (see p. 103, rec.). When he applied for retirement *his ailment was diagnosed as cerebral Ischemic Secondary to Cerebral Thrombosis.*

Supreme Court E-Library

On May 12, 1976, petitioner filed a claim for employee's compensation with the Government Service Insurance System. On June 4, 1976, petitioner's claim was denied by the GSIS stating that petitioner's ailment is not an occupational disease.

On July 20, 1976, petitioner wrote the GSIS praying for a reconsideration of the denial of the claim.

On August 2, 1976, respondent GSIS denied petitioner's request for a reconsideration, the dispositive portion of which letter-denial reads:

"In your case, your ailment is Cerebral Ischemia secondary to Cerebral Thrombosis. This ailment, not being listed as an occupational disease, therefore, requires such degree of proof as mentioned above. On the basis, however, of the papers and evidence on record which you have submitted, it appears that you have not established that your employment had any causal relationship with the contraction of the ailment. While it is admitted that the aforesaid ailment supervened in the course of your employment as Quality Control Agent in the Philippine Coconut Authority, Cebu City, there has not been any showing that the same directly arose therefrom or resulted from the nature thereof" (Italics supplied, pp. 67-68, rec.).

A second request for reconsideration was sought by the petitioner in his letter of September 27, 1976. This time, however, the GSIS treated the same as an appeal to the Employees' Compensation Commission.

On June 27, 1977, the respondent Commission rendered a decision affirming the GSIS denial of petitioner's claim.

There is no dispute that the ailment of the petitioner diagnosed as cerebral ischemia secondary to cerebral thrombosis supervened in 1965 in the course of his employment (GSIS denial of petitioner's request for reconsideration, pp. 67-68, rec.). It appears that petitioner was employed as quality control agent by the respondent Corporation, the Philippine Coconut Administration, and that during his employment he contracted ailment diagnosed first as cerebral ischemia or a mild form of hypertension. In the course of his employment, he was, by the nature of his work, forced to travel as far as 500 kilometers

Supreme Court E-Library

to inspect the copras loaded and unloaded for export and "moistering" and "grading" purposes. He had undergone sleepless nights, tensions and physical exhaustions due to exposure to the ravages of the natural elements as rain, dust, cold and heat of the sun. Sometimes, he had to forego his meals and periods of relaxation or rest. Because of these the cerebral ischemic ailment worsened and at the time of his retirement at the age of 62 in 1975 (optional) his ailment was certainly aggravated which was diagnosed as cerebral thrombosis.

There is no dispute, likewise, that petitioner's application for optional retirement was approved because he was already disabled — no longer in a position to discharge the duties of his position precisely because of that disabling ailment of cerebral thrombosis (Memorandum Circular No. 133 of 1967, Office of the President). The foregoing facts are indubitable presumptions that the ailment was contracted and aggravated in the course of petitioner's employment in the respondent Corporation.

It is true that the petitioner filed the instant claim on May 12, 1976 after the new compensation law embodied in the New Labor Code took effect on March 31, 1975. However, well known is the rule that the governing law in the prosecution of a cause of action which has accrued prior to the effectivity of a new law shall be the law enforced at the time of the accrual of said cause of action. In the instant case, the cause of action accrued at the time when the old Workmen's Compensation Law was then in full force and effect. Applying the rule aforecited, then the old Workmen's Compensation Law shall govern (*Corales vs. ECC, et al.*, L-44063, Feb. 27, 1979).

Under the old Workmen's Compensation Law, when there is a showing that the ailment was contracted and/or aggravated in the course of one's employment, presumption of compensability arises and the burden of destroying this presumption is upon the employer.

"x x x On the basis of established and controlling jurisprudence anchored on Section 44 of the Workmen's Compensation Act upholding the presumption of compensability of disabling ailments that supervened during the course of employment.

Supreme Court E-Library

"In the oft-cited case of *Talip vs. WCC*, the Court reaffirmed the principle of presumption of compensability, stating that assuming that the casual link between nature of (claimant's) 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 was aggravated by, said employment; and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation. x x x" (*Josefina Animos vs. WCC and the City of Manila*, L-43021, x x x June 30, 1978, Teehankee, *J.*).

The Employees' Compensation Commission, in affirming the decision of the GSIS denying the claim of the petitioner, reasoned out that cerebral ischemia secondary to cerebral thrombosis is caused by the aging process responsible for the hardening, thickening and loss of the elasticity of blood vessel walls especially the coronary and cerebral arteries; and that claimant's illness can be traced most likely to degenerative processes rather than to the nature and conditions of his employment.

"Such an argument loses its validity in the face of what this Court stressed in the oft-quoted case of *Abana vs. Quisumbing*, 1968, and which we quote: '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" (*Federico Sevilla vs. Republic of the Philippines* [*Bureau of Public Schools*], L-44221, Aug. 31, 1978).

Resolution No. 223 dated March 16, 1977 of the Employees' Compensation Commission adopted as a policy the institution of a more compassionate interpretation of the restrictive provisions

Supreme Court E-Library

of Presidential Decree No. 626, as amended, by its administering agencies, the Social Security System and the Government Service Insurance System, with respect to, among others, myocardial infarction, and other borderline cases. Furthermore, under Resolution No. 432 dated July 20, 1977, the respondent Commission, pursuant to its policy of expanding the list of compensable diseases, has approved related diseases under PD No. 626, as amended, which included among others, cardio-vascular disease which may cover myocardial infarction, pneumonia and bronchial asthma (*Sepulveda vs. ECC, et al.*, L-46290, Aug. 25, 1978).

The above-cited principles and doctrinal jurisprudence on the presumption of compensability were made fully applicable *mutatis mutandis* to support payment of disability benefits to the claimants suffering from rheumatoid arthritis, hypertension, diabetes mellitus with hypertension, and premature senility followed by an attack of cerebral thrombosis, gall bladder inflammation, and the loss of vision of the right eye with other complications. Since the employees' illnesses clearly *supervened during their employment* the burden of overthrowing the presumption of compensability shifted to the employers (*Alonto vs. WCC*, L-42776; *De Gascon vs. WCC*, L-42280; *Satparam vs. WCC*, L-42330; *De Mesa vs. WCC*, L-43843; *Gabrieles vs. WCC*, L-43484; *Ong Gako vs. WCC*, L-43422; *Asuba vs. R.P. & WCC*, L-43036; *Cadores vs. WCC*, L-42387; *Oclarit vs. WCC*, L-43334; *Panoncillo vs. WCC*, L-43551; *Rey vs. WCC*, L-43545; and *Benitez vs. WCC*, L-43722, August 31, 1978).

In the case of *Bautista vs. WCC, et al.*, the Court reiterated that "while We do not discount the possibility that such ailment may be 'caused by the aging process' x x x, nonetheless that fact alone will not be sufficient to remove the ailment from the periphery of compensable disabling diseases under the Workmen's Compensation Act. The law applies to the young as well as to the aged, and while advancing age may be a contributing factor to the occurrence of an injury, the constant physical and mental exertions, strain, and tension x x x are equally contributing and

Supreme Court E-Library

aggravating causes which render the resulting disabling injury or ailment compensable under the law" (L-42885, 80 SCRA 313, 319). This case is particularly relevant to the case at bar, considering that the Employees' Compensation Commission in affirming the decision of the GSIS based its findings that the disease of the claimant is caused by the aging degenerative process which is responsible for the hardening, thickening and loss of elasticity of blood vessels, especially in coronary and cerebral arteries.

Pursuant to this legal presumption in the foregoing numerous cases, in a spirit of utmost liberality called for by the social and humane character of the law, the Court held that the *exact cause* of the ailment suffered by a claimant *is not significant* and the possibility that factors other than the employment, *such as advancing age*, may have caused or contributed in the development of the ailment *is not a drawback*, for what is *material* and decisive is that the employment contributed even in a small degree in aggravating the ailment (*Abana vs. Quisumbing*, 22 SCRA 1278).

This is in consonance 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 (Separate Opinion, L-42471, *Espiritu vs. WCC, et al.*, Aug. 22, 1978).

It appears in this case that the records did not disclose the actual amount being claimed; but in some of Our recent decisions, all promulgated on June 30, 1978, all the claimant-petitioners therein were granted the sum of Six Thousand Pesos (₱6,000.00) respectively and other legitimate fees and/or costs, to wit:

L-43021, *Aninias vs. WCC & the City of Manila*;

L-42840, *Villafranca vs. WCC & Republic of the Philippines (Bureau of Public Schools)*;

Supreme Court E-Library

L-44958, *Puntera vs. WCC & Republic of the Philippines (Bureau of Public Schools)*;

L-43074, *Rejuso vs. Republic of the Philippines (Bureau of Public Schools and WCC)*; and.

L-43354, *D.P. vda. de Jabasa, et al. vs. WCC & Atlas Consolidated Mining and Development Corporation.*

WHEREFORE, IT IS HEREBY ORDERED THAT THE APPEALED DECISION IS HEREBY REVERSED AND THE RESPONDENT IS HEREBY ORDERED:

(a) TO PAY CLAIMANT IGNACIO DE LOS ANGELES SIX THOUSAND [₱6,000.00] PESOS AS COMPENSATION BENEFITS;

(b) TO REIMBURSE CLAIMANT HIS MEDICAL, HOSPITAL AND SURGICAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;

(c) TO PAY CLAIMANT SIX HUNDRED [₱600.00] PESOS AS ATTORNEY'S FEES AND;

(d) TO PAY SIXTY-ONE [₱61.00] PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

Teehankee (Chairman), J., took no part.