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Philippines, to furnish petitioner with such services, appliances and supplies as the nature of his disability and the process of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-43570. October 30, 1978]

MACARIA ORELLANA, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION, LA SUERTE CIGAR & CIGARETTE FACTORY INC. and ROYAL GROUP INC.,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; ILLNESS WHICH SUPERVENED IN THE COURSE OF EMPLOYMENT PRESUMED COMPENSABLE. — Where the employee had presented sufficient evidence to establish that he contracted epilepsy during his employment and that said illness was caused by his employment, and in fact the employee had been ordered by the company physician to take a rest and had stopped working because of the worsening condition of his sickness of epilepsy, said employee is entitled to disability compensation. Under the Workmen's Compensation Act, the illness of the petitioner is presumed to be compensable because it supervened during his employment.

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APPEARANCES OF COUNSEL

Edilberto Sandoval for petitioner.
Romeo R. Lobregat for private 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 R04-WC Case No. C-7405 entitled "*Macaria Orellana,* Claimant, *versus, La Suerte Cigar & Cigarette Factory, Inc.*," reversing the decision of the Hearing Officer of Regional Office No. 4 which had awarded to the petitioner disability benefits.[1]

The petitioner, Macaria Orellana, started to work with the respondent, La Suerte Cigar & Cigarette Factory Inc., in 1957. At that time, said respondent had its old site at 165 Dolores St., Pasay City. The petitioner was detailed at the Philip Morris Department as packet maker. Later she became a cellophaner. In the performance of her duties, she had to sit during working hours in front of an electrically heated iron block. Sometime in 1964 the petitioner suffered from epileptic attack and had to be taken to the factory medical clinic inside the compound.

The petitioner was later transferred to the "reject section" or "safer assignment." In view of the worsening condition of the illness of the petitioner, she was ordered by the physician of the La Suerte Cigar & Cigarette Factory Inc., Dr. Balbino Dy, to take a rest from her work. The petitioner stopped working on October 5, 1968 as a result of her illness diagnosed as epilepsy.[2]

On March 31, 1975, the petitioner filed a compensation claim with the then Rizal Provincial Office of the Workmen's

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[1] *Rollo*, pp. 114-116.

[2] *Rollo*, p. 114.

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Compensation Commission. The petitioner presented evidence to show that in 1964 she contracted epilepsy during her work with the respondent La Suerte Cigar & Cigarette Factory Inc. Because of the worsening condition of her illness, the petitioner had to stop working on October 5, 1968 as cellophaner.

The Hearing Officer rendered a decision dated October 8, 1975 directing the La Suerte Cigar & Cigarette Factory Inc. to pay the claimant the amount of ₱6,000.00 as disability compensation and the amount of ₱300.00 as attorney's fees and to pay the amount of ₱61.00 as administrative fee. It appears that said respondent received a copy of the decision of the Hearing Officer on October 22, 1975. Its motion for reconsideration was filed on November 21, 1975 or thirty (30) days thereafter. Hence, the Assistant Chief Section of the Rizal Provincial Office of the Workmen's Compensation Commission denied the motion for reconsideration on the ground that the decision of the Hearing Officer had become final and directed the La Suerte Cigar & Cigarette Factory Inc. to remit to the office for corresponding payment to the claimant the amount of ₱6,000.00 as disability compensation, the amount of ₱300.00 as attorney's fees, and the amount of ₱61.00 as administrative fee.[3]

The respondent, La Suerte Cigar & Cigarette Factory Inc., appealed to the Workmen's Compensation Commission which found that the alleged illness of the petitioner was not compensable.

The decision of the Hearing Officer had become final because the motion for reconsideration of the respondent was filed thirty days after its receipt of said decision. However, We shall resolve the petition on the merits.

The petitioner had presented sufficient evidence to establish that she contracted epilepsy during her employment with the La Suerte Cigar & Cigarette Factory Inc. and that said illness was caused by her employment as cellophaner. In fact, the

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[3] *Rollo*, p. 175.

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petitioner had to stop working on October 5, 1968 because of the worsening condition of her sickness of epilepsy. Under the Workmen's Compensation Act, the illness of the respondent is presumed to be compensable because it supervened during her employment with the La Suerte Cigar & Cigarette Factory Inc..[4] The petitioner did not rely on this presumption, She presented sufficient evidence to show that her illness of epilepsy was caused by her employment with the respondent La Suerte Cigar & Cigarette Factory Inc..

WHEREFORE, the decision appealed from is hereby reversed and the respondent, La Suerte Cigar & Cigarette Factory Inc., is ordered:

1) To pay the petitioner the amount of Six Thousand Pesos (₱6,000.00) as disability compensation;

2) To pay counsel of the petitioner the sum of Six Hundred Pesos (₱600.00) as attorney's fees; and

3) To pay the amount of Sixty-One Pesos (₱61.00) as administrative fee.

SO ORDERED.

Makasiar, Muñoz Palma, and *Guerrero, JJ.*, concur.

Teehankee (Chairman), J., in the result.

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