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Exh. "G-6" — Three (3) days sick leave — February 15-17, 1965

Cause: Mental Fatigue

Exh. "G-7" — One (1) day vacation leave — February 8, 1965

Cause: Personal

Exh. "G-8" — Three (3) days vacation leave — October 13-15, 1964

Cause: Personal

Exh. "G-9" — One (1) day vacation leave — January 13, 1965

Cause: Personal.[6]

It can be seen from the foregoing that the causes of the leaves of absence of the petitioner have no relation to her psychiatric ailment.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby affirmed, without pronouncement as to costs.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. L-42598. December 29, 1978]

PEDRO CASTRO, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES,** *respondents.*

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[6] Memorandum of Respondent Republic of the Philippines, p. 4.

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SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; ILLNESS CONTRACTED IN COURSE OF EMPLOYMENT PRESUMED COMPENSABLE.** — Where the claimant contracted his illness in the course of his employment, the illness is presumed compensable under section 44 of the Workmen's Compensation Act.

2. **ID.; ID.; ID.; SUFFICIENCY OF EVIDENCE SHOWING THAT ILLNESS WAS CAUSED BY EMPLOYMENT.** — The findings of doctor that claimant suffered from pulmonary tuberculosis and hypertensive heart disease during his employment and the certification of the Compensation Rating Officer that claimant suffered from permanent partial disability, aside from temporary total disability are sufficient evidence to show the claimant's illness were caused by his employment. Claimant is entitled to compensation where it is shown that his disease were aggravated by the nature of his work as laborer resulting in his disability for labor, and that because of his physical condition, he had to retire optionally at the age of sixty-four.

MAKASIAR, *J., concurring*:

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; DISABILITY BENEFIT INCLUDES REIMBURSEMENT OF MEDICAL EXPENSES WITH PROPER RECEIPTS, SUCH AS MEDICAL, SURGICAL AND HOSPITAL SERVICES AS WELL AS APPLIANCES AND SUPPLIES. — Under the provisions of the Section 13 of the Workmen's Compensation Act, as amended, and Article 185 of the New Labor Code the respondent employer should likewise be directed: (1) to reimburse claimant of his medical expenses with proper receipts; and (2) to continuously provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity, 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

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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.

APPEARANCES OF COUNSEL

Virgilio U. Lapinid for petitioner.

Ernesto H. Cruz & Estelita G. Diaz for respondent Commission.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Santiago M. Kapunan and Solicitor *Celso P. Ylagan* 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 WC Case No. R07-18823 entitled "*Pedro V. Castro, Claimant, versus Republic of the Philippines (Supreme Court of the Philippines), Respondent,*"[1] reversing the decision of the Acting Referee of Regional Office No. VII of the Department of Labor, Cebu City, which awarded disability compensation to the claimant.[2]

On March 17, 1975, Pedro Castro filed a notice of injury or sickness and claim for compensation against the Republic of the Philippines with the Workmen's Compensation Unit, Regional Office No. VII, Cebu City.

The claim was controverted by the respondent, Republic of the Philippines, on the grounds that the claim was filed beyond the reglementary period as provided in Section 24 of the

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[1] Annex "F", *Rollo*, pp. 29-30.

[2] Annex "C", *Rollo*, pp. 24-26.

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Workmen's Compensation Act and that there is no causal connection between the claimant's illness and the nature of employment.

After the parties had submitted affidavits of their witnesses in lieu of their oral testimony and other pertinent documents, the Hearing Officer and Acting Referee of Regional Office No. VII rendered a decision in favor of the claimant, the dispositive part of which reads:

"WHEREFORE, the Republic of the Philippines (Supreme Court) is hereby ordered —

1. To pay to the claimant, through this Office, the sum of ₱584.62 representing medical expenses and the sum of ₱6,000.00 representing maximum disability compensation (Under Section 14, claimant is entitled to the sum of ₱2,122.04 and under Section 17, claimant is entitled to the sum of ₱4,382.05 or a total of ₱6,505.04 but the maximum allowed by law is ₱6,000.00 only and the same was reduced to the said maximum) or a total of SIX THOUSAND FIVE HUNDRED EIGHTY FOUR and 62/100 PESOS (₱6,584.62) in lump sum;

2. To pay to Atty. Virgilio Lapinid, claimant's counsel, the sum of THREE HUNDRED PESOS (₱300.00) representing attorney's fees; and,

3. To pay to the Workmen's Compensation Fund the sum of SIXTY ONE PESOS (₱61.00) representing fees pursuant to Section 55 of the Act.

SO ORDERED.
Cebu City, Philippines, July 16, 1975.

(SGD.) BERNARDO G. DELFIN
Hearing Officer &
Acting Referee"[3]

The Republic of the Philippines filed a motion for reconsideration and the case was elevated to the Workmen's Compensation Commission. In a decision dated December 18, 1975, the Commission reversed the decision of Regional Office No. VII, Cebu City, and dismissed the claim on the ground that

[3] *Rollo*, p. 26.

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the claimant was not disabled for work on account of his illness. Hence, this petition for review.

The only issue is whether or not the illness of the petitioner is compensable.

The Workmen's Compensation Commission stated in its decision that "There is no question that the herein claimant contracted his illness in the course of his employment with the respondent in 1973."[4] This being so, the illness is presumed to be compensable under Section 44 of the Workmen's Compensation Act.[5]

The petitioner did not rely on the legal presumption alone. He presented evidence showing that his illness was caused by his employment with the Court of First Instance of Cebu.

The record shows that the claimant was employed by the respondent, Republic of the Philippines, as laborer with designation as Acting Bailiff in the Court of First Instance of Cebu, Branch VII, with station at Barili, Cebu, with a salary at the rate of ₱3,534.24 per annum. The claimant started working with the said court on July 16, 1962. He continued working until his physical incapacity on October 28, 1974 due to illness. According to Dr. Cesar Estalilla, the claimant was suffering from pulmonary tuberculosis and according to Dr. Tirso Aguilar, the claimant was suffering from hypertensive heart disease. In order to determine the extent of his disability, the claimant was referred to Dr. Francisco Dayak, Compensation Rating Medical Officer of Regional Office No. VII at Cebu City. The said medical officer submitted the following findings: "Permanent partial disability: 62% N.S.D. (A.F.) aside from temporary total disability from October 28,1974 until he had reached 65 years old or one (1) year from the date he retired at the age of 64 years or 52 weeks." It was further shown that claimant's diseases were aggravated by the nature of his work as laborer resulting

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[4] Annex "F", *Rollo*, p. 29.

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

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in his disability for labor. Because of his physical condition, the claimant applied for optional retirement and his application was approved effective December 31, 1974 at the age of 64 years. The claimant allegedly spent more than ₱1,000.00 for the treatment of his diseases but upon verification by Dr. Dayak, only the amount of ₱584.62 was found relevant to the illness and reasonable.[6]

In view of the foregoing, the claimant's disabling diseases are compensable under the Workmen's Compensation Act, as amended.

The Hearing Officer and Acting Referee of Regional Office No. VII, Cebu City, awarded the disability compensation on the following computation:

"Under Section 14, to temporary total disability compensation equivalent to 60% of his average weekly wage for 52 weeks. 60% of ₱67.96, claimant's average weekly wage, is ₱40.77 and for 52 weeks, claimant is entitled to the sum of ₱2,122.04 in temporary total disability compensation; and,

Under Section 17, to permanent partial disability compensation equivalent to 50% of his average weekly wage for 128.96 weeks. 50% of ₱67.96 is ₱33.98 and for 128.96 weeks, the claimant is entitled to the sum of ₱4,382.00 in permanent partial disability compensation."[7]

The foregoing computation is in accordance with law.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the Republic of the Philippines is ordered:

1) To pay to the petitioner, through the Department of Labor, the sum of Five Hundred Eighty-Four and 62/100 Pesos (₱584.62) representing medical expenses and the sum of Six Thousand Pesos (₱6,000.00) representing maximum disability compensation or a total of Six Thousand Five Hundred Eighty-Four and 62/100 Pesos (₱6,584.62);

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[6] Annex "C", *Rollo*, pp. 24-25.

[7] *Rollo*, pp. 25-26.

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

3) 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), Santos, and *Guerrero, 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: (1) to reimburse claimant of his medical expenses with proper receipts; and (2) to continuously provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his 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.