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SECOND DIVISION

[G.R. No. L-43060. June 22, 1978]

ROBERTO VALENCIA, *petitioner, vs.* **REPUBLIC OF THE PHILIPPINES (Bureau of Telecommunications) and the WORKMEN'S COMPENSATION COMMISSION,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; GASTRIC ULCER IS A COMPENSABLE DISEASE.**— Acidosis is a pathological condition resulting from accumulation of acid (Dorland's Medical Dictionary) whereas hyperacidosis is such accumulation to an excessive degree. When one does not eat on time, which is a bad dietary habit, there is produced increased acidity in the stomach. Such a dietary habit can be developed due to belated meals occasioned by the nature of one's employment in emergency situations and unscheduled work activities. Hyperacidity is chemically the direct and immediate cause of gastric ulcer while a dietary habit of eating irregularly is the precipitating cause, but the predisposing cause arises from the nature and kind of employment which requires the worker as in the case at bar to do his job at anytime when needed in breakdowns of communication lines such that he is oftentimes forced to take his meals irregularly. Under these circumstances, it is not required that the employment be the sole factor in the growth, development or accumulation of the illness to entitle the claimant for the benefits of compensation. It is enough that his employment had contributed even in a small degree to the development of the disease.

2. **ID.; ID.; WHEN THE ILLNESS SUPERVENED DURING ONE'S EMPLOYMENT, EMPLOYEE IS RELIEVED OF THE BURDEN OF CAUSATION.**— The records clearly establish the fact that petitioner's illness manifested itself only in 1968, or after 23 years of service with respondent Bureau (petitioner's employment started in 1945) and since his illness supervened during his employment, he is then relieved of the burden of causation as the legal presumption that the illness arouse out of the employment then comes to fore.

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3. ID.; ID.; ID.; CESSATION FROM SERVICE UNDER THE OPTIONAL RETIREMENT LAW IS NOT A GROUND TO DISALLOW EMPLOYEE'S CLAIM.— That petitioner retired from the service under the Optional Retirement Law is not sufficient ground to disallow his claim for compensation. It is not indicative of voluntary stoppage of work; on the contrary, that his application for retirement under the said law was approved is a clear indication that at the time of such approval, (1) he had not reached the compulsory age of 65 years, and (2) that he was physically incapacitated to render further efficient service. These two conditions are prescribed by Memorandum Circular No. 133 issued by the Office of the President.

APPEARANCES OF COUNSEL

Mercedes M. Respicio (CLAO), for petitioner.

Solicitor General Estelito P. Mendoza, Assistant Solicitor Hugo E. Gutierrez, Jr. and Solicitor Cecilio F. Balagot for respondents.

D E C I S I O N

GUERRERO, *J.*:

Petition for review of the decision of the Workmen's Compensation Commission disallowing petitioner's claim for disability benefits.

Petitioner Roberto Valencia was employed on November 26, 1946 by the respondent Bureau of Telecommunications as a telephone lineman. His duties consisted of repairing broken telephone lines running from his Lucena City Office to Lutucan, Sariaya, Quezon, where in the course of his work he often times took belated meals especially during emergencies. In December, 1968, manifesting the symptoms of gastric ulcer which were frequent epigastric pains and bloody stools, he sought medical treatment and was diagnosed to have gastric ulcer by the attending physician, Dr. Godofredo V. Faller, as indicated in his Physician's Report.[1]

[1] Annex C, *Rollo*, p. 24.

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No November 25, 1974 he filed his Notice of Sickness with the respondent Bureau orally and by telegram, and thereafter filed the present claim for disability benefits and reimbursement of medical expenses against the respondent Bureau on March 24, 1975,[2] which the Acting Referee allowed in his decision of Nov. 12, 1975, thus —

"WHEREFORE, finding the above claim to be meritorious, judgment is entered for the claimant and the respondent is directed:

1. To pay claimant, thru this Office. the sum of Two Thousand One Hundred Ninety Eight Pesos & 84/100 (₱2,198.84) as compensation benefits, computed as follows:

Under Section 14 of the Act, as amended, claimant is entitled to 60% of his average weekly wage from November 23, 1974 up to November 12, 1976 (date of decision), or period of 364 days or 50-4/7 weeks. Sixty percent (60%) of his average weekly wage of ₱72.46 (₱3,768.00 per annum, divided by 52 weeks) is ₱43.48 and for 50-4/7 weeks equals ₱2,198.84.

2. To pay claimant, a weekly compensation of ₱72.46 from November 13, 1975 and weekly thereafter until his sickness has been declared cured by competent medical authority. Such weekly compensation shall not exceed ₱6,000.00 nor said weekly payments go beyond claimant's 65th birthday. (Sec. 14).

3. To reimburse claimant, thru this Office the sum of ₱1,384.00, representing medical expenses incurred. (Sec. 13).

4. To pay this Unit, the sum of ₱22.00 as fee. (Sec. 55).

5. To pay Atty. Euñogio Alzaga, claimant's counsel of record the sum of ₱109.94 or 5% of the compensation due as attorney's fee. (Sec. 1, Rule 27 of the WCC).

SO ORDERED."

On appeal to the Workmen's Compensation Commission, the referee's decision was reversed and petitioner's claim was disallowed on two grounds: 1. that petitioner's gastric ulcer was not work-connected but was due to the "hyperacidosis of

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[2] Annex A (Notice of Injury or Sickness and Claim for Compensation), *Rollo*, p. 19.

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the gastric content and the dietary habits of the claimant;" and 2. that he retired from the service under the Optional Retirement Law, and not under such incapacity for work brought about by his illness. Petitioner now seeks the reversal of the above decision and the reinstatement of the decision of the Acting Referee.

We find the petition with merit.

The claim of the petitioner that he had sufficiently established the required *quantum* of evidence to show the causal relation between his work and his complained illness is amply justified. The attending physician's report categorically stress that petitioner's illness was "due to the nature of his work which requires him to work outside to repair lines."[3]

The respondent Workmen's Compensation Commission in denying petitioner's answer to Query No. 8 of his report which states that the cause of sickness was the "hyperacidosis of the gastric content and dietary habits" of claimant. We cannot accept this ground relied upon by the Commission for the reason that the answer to the particular query (Query No. 8) should not be considered independently of the answers to the succeeding queries Nos. 9, 10 and 11 of the Physician's Report which clearly indicate the connection of petitioner's illness to his employment. Thus,

"9.	(a)	Was the injury or illness caused by accident due to and *in pursuance of the employment*?
	(c)	Or aggravated by the employment? *Partially*
10.	(a)	Was the illness or injury contracted directly caused by the Workman's employment? *Partially*
	(b)	Or the result of the nature of such employment? Partially
	(c)	Or aggravated by the employment? *Partially*
11.	(a)	Give your findings to support items 9 to 10. *Due to the nature of his work which requires him to work outside to repair lines.*"

[3] Annex C (Physician's Report of Sickness. Queries 9, 10 and 11). *Rollo*, p. 24.

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Medically, acidosis is a pathological condition resulting from accumulation of acid (Dorland's Medical Dictionary) whereas hyperacidosis is such accumulation to an excessive degree. When one does not eat on time, which is a bad dietary habit, there is produced increased acidity in the stomach. Such a dietary habit can be developed due to belated meals occasioned by the nature of one's employment in emergency situations and unscheduled work activities. Hyperacidity is chemically the direct and immediate cause of gastric ulcer while a dietary habit of eating irregularly is the precipitating cause, but the predisposing cause arises from the nature and kind of employment which requires the worker as in the case at bar to do his job at anytime when needed in breakdowns of communication lines such that he is oftentimes forced to take his meals irregularly. Under these circumstances, it is not required that the employment be the sole factor in the growth, development or accumulation of the illness to entitle the claimant for the benefits of compensation. It is enough that his employment had contributed even in a small degree to the development of the disease. It is not necessary for the 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.[4]

The records clearly establish the fact that petitioner's illness manifested itself only in 1968, or after 23 years of service with respondent Bureau (petitioner's employment started in 1945) and since his illness supervened during his employment, he is then relieved of the burden of causation as the legal presumption that the illness arouse out of the employment then comes to fore.[5] The burden to overthrow the above legal presumption fell on the respondent Bureau, which it failed to do.

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[4] *Abana, et al. vs. Quisumbing*, 22 SCRA 1278, citing *MRR Co. vs. WCC and Pineda*, 11 SCRA 305.

[5] *Agustin v. WCC*, L-19957, Sept. 29, 1964, 12 SCRA 55; *Isberto v. Republic and WCC*, L-22769, Aug. 30, 1968, 24 SCRA 956; *Guevarra v. Republic*, L-43099, May 31, 1977, 77 SCRA 292; *Caling v. WCC*, L-43309, May 31, 1977, 77 SCRA 309; *Evangelista v. WCC*, L-43572, June 30, 1977, 77 SCRA 497; *Romero v. WCC*, L-42617, June 30, 1977, 77 SCRA 482; *Pobre v. Republic*, L-43325, May 31, 1977, 77 SCRA 315; *Ybañez v. WCC and Republic*, L-44123, June 30, 1947, 77 SCRA 501.

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That petitioner retired from the service under the Optional Retirement Law is not sufficient ground to disallow his claim for compensation. It is not indicative of voluntary stoppage of work; on the contrary, that his application for retirement under the said law was approved is a clear indication that at the time of such approval, (1) he had not reached the compulsory age of 65 years, and (2) that he was physically incapacitated to render further efficient service. These two conditions are prescribed by Memorandum Circular No. 133 issued by the Office of the President, thus:

"All optional applications for optional retirement under Commonwealth Act No. 186, as amended by Rep. Act No. 1616 and No. 4968, shall not be recommended for approval unless funds are available in the bureau or office concerned for the payment of applicant's retirement gratuity over and above the fund requirements of its programmed project and activities and provided any of the following circumstances are present: (1) x x x; (2) The employee-applicant is below 65 years of age and is *physically incapacitated to render further efficient service*." (emphasis supplied).

It has been Our consistent ruling in recent cases to allow and grant claims for compensation benefits under the Workmen's Compensation Act even though the claimants retired from their employment under the government Optional Retirement Law.[6]

IN VIEW OF THE FOREGOING, the judgment of the respondent Commission is hereby reversed and set aside; the decision of the Acting Referee dated November 12, 1975 is reinstated with modifications. Accordingly, the respondent Republic (Bureau of Telecommunications) is hereby ordered:

1. To pay claimant the sum of Two Thousand One Hundred Ninety-Eight Pesos & 84/100 (₱2,198.84) as compensation benefits, computed as follows:

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[6] *Gomez v. WCC*, G.R. No. L-43617, Feb. 28, 1977, 75 SCRA 395; *Ybañez v. WCC, supra*, at p. 507; *Despe v. WCC*, L-42828, Feb. 28, 1977, 75 SCRA 350; *Romero v. WCC, supra*, at p. 490; *Guevarra v. Republic, supra*, at p. 295.

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Under Section 14 of the Act, as amended, claimant is entitled to 60% of his average weekly wage from November 23, 1974 up to November 12, 1975 (date of decision), or period of 354 days or 50-4/7 weeks. Sixty percent (60%) of his average weekly wage of P72.46 (₱3,768.00 per annum, divided by 52 weeks) is P43.48 and 50-4/7 weeks equals ₱2,198.84.

2. To pay claimant, a weekly compensation of ₱72.46 from November 13, 1975 and weekly thereafter until his sickness has been declared cured by competent medical authority. Such weekly compensation shall not exceed ₱6,000.00 nor said weekly payments go beyond claimant's 65th birthday. (Sec. 14);

3. To reimburse claimant the sum of One Thousand Three Hundred Eighty Four (₱1,384.00) Pesos representing medical expenses incurred;

4. To pay the sum of Sixty-One (₱61.00) Pesos as administrative fee; and

5. To pay claimant's counsel for attorney's fees 10% of the amount collected as disability benefits.

No pronouncement as to costs.

Judgment reversed and modified.

SO ORDERED.

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