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FIRST DIVISION

[G.R. No. L-45203. August 20, 1979]

SEBASTIAN DIMDIMAN, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and PHILIPPINE NATIONAL RAILWAYS,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; ILLNESS; PRESUMPTION OF COMPENSABILITY.**— It is undisputed that the illnesses of the petitioner supervened during his employment with the Philippine National Railways. Hence, there is a disputable presumption that the claim is compensable.

2. **ID.; ID.; ID.; ID.; BURDEN TO PROVE THAT THE CLAIM IS NOT COMPENSABLE IS SHIFTED TO THE EMPLOYER.**— The burden is shifted to the employer, Philippine National Railways, to prove that the claim is not compensable. The respondent, Philippine National Railways, failed to overcome the presumption of compensability and the evidence of the petitioner that his illnesses were caused aggravated by his work.

APPEARANCES OF COUNSEL

Pedro G. Peralta for petitioner.
Ernesto H. Cruz and *Emilia E. Andres* for respondent WCC.

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 BWC Case No. 6880-ROI entitled "*Sebastian Dimdiman*, Claimant, *versus, Philippine National Railways*, Respondent"[1] reversing the decision of the Hearing

[1] *Rollo*, pp. 21-22.

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Officer in Regional Office No. I, Dagupan City, which ordered the payment of sickness compensation benefits and attorney's fees and the reimbursement of medical expenses to the petitioner, Sebastian Dimdiman.

On March 21, 1973, Sebastian Dimdiman filed with the Regional Office No. I at Dagupan City a claim for illnesses of rheumatic heart disease, congestive heart failure, atrial fibrillation and osteoarthritis. The claim was controverted by the respondent, Philippine National Railways, hence, the same was heard on the merits.

The Hearing Officer rendered a decision dated February 17, 1975, the dispositive part of which reads:

"IN THE LIGHT OF THE FOREGOING, the respondent Philippine National Railways is hereby ordered:

(1) To pay the claimant Sebastian Dimdiman, thru this Office, the sum of SIX THOUSAND PESOS (₱6,000.00) as sickness compensation benefit under Secs. 14 and 15 of the Act;

(2) To reimburse the claimant, Sebastian Dimdiman, the sum of Five hundred twenty pesos and 67/100 (₱520.67) representing medical expenses under Sec. 13 of the Act;

(3) To pay Atty. Pedro Peralta, the sum of Three hundred pesos (₱300.00) as Attorney's fee under Sec. 31 of the Act; and

(4) To pay this Office, the sum of Sixty one pesos (₱61.00) as Administrative costs, pursuant to Sec. 55 of the Act.

SO ORDERED.

San Fernando, La Union, February 17, 1975."[2]

The Philippine National Railways appealed to the Workmen's Compensation Commission which dismissed the claim for lack of merit because: "The record is bereft of any showing that claimant herein suffered a disabling disease during his employment or that he was disabled when he retired."[3]

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[2] *Rollo*, pp. 19-20.

[3] *Rollo*, pp. 21-22.

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The record shows that the petitioner was first employed by the Philippine National Railways in October 1945 as security guard, then promoted to corporal and finally to sergeant with the latest salary of ₱4,104.00 per annum; that he retired by reason of physical disability on October 16, 1972 under the Disability Plan, Republic Act 660, as amended; that in 1967, during his employment with the Philippine National Railways, the petitioner began to feel the symptoms of his illnesses; that from 1970 until his retirement on October 16, 1972, he suffered pains in the knees and his legs were stiff and numb and began to swell; that his heart became large and his left ear became deaf; that he consulted Dr. Ordoña of the Philippine National Railways for treatment; and that said doctor prescribed the necessary medicines.

Dr. Francisco Peralta testified that on November 4, 1972, he found the petitioner to be suffering from congestive heart failure and arthritis; that congestive heart failure was probably due to rheumatic heart disease while arthritis was probably due to degenerative processes; that the heart disease could be aggravated by petitioner's work; and that the arthritis could be caused by the nature of the petitioner's work. The claimant presented evidence that he incurred the amount of ₱520.67 for medical expenses.[4]

The Hearing Officer granted disability benefits to the petitioner because:

"The evidence on record has clearly shown that contraction of the claimant's sickness supervened while in the course of his employment with the respondent which is the preliminary link required by law to establish the presumption that his sickness comes within the purview of the Act. Once this is shown, it is presumed in the absence of substantial evidence to the contrary that claimant's illness arose out of and in the course of his employment or either aggravated by or the result of the nature of his employment. The burden of demonstration by substantial evidence of absence of work connection, is laid by law at the door of the employer, but it failed to discharge such duty. Furthermore, the presumption of compensability in this case has not been overcome by respondent's evidence. The Workmen's

[4] *Rollo*, pp. 17-18.

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Compensation Law is a social legislation enacted to protect the workman and all doubts as to compensability of the claim should be resolved in his favor (*Francisco vs. Consing*, 63 Phil. 241). In the instant case the claimant retired at the age of 58 which is before the compulsory retirement age and it was established that he retired due to ailment and as a matter of fact, his disability retirement was approved by the GSIS under Disability Plan RA 660 (Exhibit 'F'). From this piece of evidence where the GSIS approved his retirement due to total and permanent disability and considering that the claimant has incurred his illness in the course of his employment, it is our considered opinion that the claim comes within the coverage of Sec. 2 of Act 3428, as amended, and, it is compensable."[5]

The petitioner was awarded the maximum compensation of ₱6,000.00 pursuant to the ruling in *Marcelino vs. Seven-Up Bottling Co. of the Philippines and Workmen's Compensation Commission*, where the Supreme Court said:

"In the light of the aforestated authoritative opinions and/or comments on what constitutes permanent total disability within the meaning of the Workmen's Compensation Act, it is Our considered view that herein petitioner had contracted illness in the course of his employment which rendered him permanently and totally disabled to work, and as such is entitled to full compensation as provided for in Sections 14 and 15 of the Workmen's Compensation Act. We have arrived at this conclusion ever mindful of the constitutional mandate that the State should afford protection to labor, and of the doctrine that the Workmen's Compensation Act being basically a social legislation, designed to give relief to a workman, it must be liberally construed, and all doubts should be resolved in favor of the workman and his dependents, in order to attain the purpose for which it was enacted."[6]

It is undisputed that the illness of the petitioner supervened during his employment with the Philippine National Railways. Hence, there is a disputable presumption that the claim is compensable.[7]

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[5] *Rollo*, pp. 18-19.

[6] L-30443, October 31, 1972, 47 SCRA 343, 352.

[7] Sec. 44, Workmen's Compensation Act; *Justiniano vs. Workmen's Compensation Commission*, 18 SCRA 677.

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The burden is shifted to the employer, Philippine National Railways, to prove that the claim is not compensable.[8]

The respondent, Philippine National Railways, failed to overcome the presumption of compensability and the evidence of the petitioner that his illnesses were caused and aggravated by his work.

The Hearing Officer correctly awarded the maximum compensation of ₱6,000.00 to the petitioner who had to apply for retirement at the age of 58 years because of disability caused by the illnesses which supervened during his employment. The reimbursement of medical expenses in the amount of ₱520.67 is supported by the documentary evidence of the petitioner. However, the attorney's fees should be increased to ₱600.00.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside, and the respondent, Philippine National Railways, is ordered:

1) To pay the claimant the amount of Six Thousand Pesos (₱6.000.00) as disability compensation benefits;

2) To reimburse the petitioner the sum of Five Hundred Twenty Pesos and Sixty-Seven Centavos (₱520.67) representing medical expenses;

3) To pay 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 sum of Sixty-One Pesos (₱61.00) as administrative fees.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, and *Melencio-Herrera, JJ.,* concur.

De Castro, J., took no part.

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[8] *Balanga vs. Workmen's Compensation Commission, et al.*, 83 SCRA 721.