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FIRST DIVISION

[G.R. No. L-38421. December 28, 1979]

SOCIAL SECURITY SYSTEM, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and LEONORA H. LATUÑO,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; WHEN THE ILLNESS SUPERVENED DURING ONE'S EMPLOYMENT, THE DISPUTABLE PRESUMPTION OF COMPENSABILITY ARISES; EFFECT.**— It has been established that the illness of Leonora H. Latuño which made her retire from the service supervened during her employment with the Social Security System. Hence, there is a disputable presumption that the claim is compensable. The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the sickness is not compensable. The private respondent adduced evidence that her illness was at least aggravated by her employment with the Social Security System. The private respondent's duties subjected her to constant pressure and to physical and mental stress. Her employment contributed to the acceleration and aggravation of her ailment.

2. **ID.; ID.; FAILURE TO FILE THE CLAIM WITHIN THE PERIOD IS NON-JURISDICTIONAL; TEN YEARS PRESCRIPTIVE PERIOD TO FILE THE CLAIM.**— It is settled that the claimant's failure to comply with Section 24 is non-jurisdictional and does not constitute a bar to the proceedings. Moreover, this Court has held in a number of cases that pursuant to Article 1144 (2) of the Civil Code of the Philippines, "The compensation under the Workmen's Compensation Act is a liability vested by statute which prescribes in ten (10) years."

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APPEARANCES OF COUNSEL

Ernesto T. Duran, Gelacio L. Bayani & M.F. Bala for petitioner.

Andres C. Zavalla and Apolinario N. Lomabao, Jr. for respondent WCC.

Roberto Blanco for respondent Leonora Latuño.

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. RO4-136993 entitled "*Leonora H. Latuño, Claimant, versus, Social Security System, Respondent*" affirming the decision of the Acting Referee of Regional Office No. 4, Department of Labor, Manila, ordering the Social Security System to pay the claimant, Leonora H. Latuño, the amount of ₱6,000.00 as disability compensation and to pay the sum of ₱66.00 as administrative cost and fee.[1]

The claimant, Leonora H. Latuño, private respondent herein, entered the government service on July 1, 1946 as a classroom teacher of the Bureau of Public Schools with station in Bulan, Sorsogon, where she continuously served as such until February 28, 1959; that on March 3, 1969, the claimant was employed by the Social Security System as Clerk I; that she was subsequently promoted to the position of supervising clerk, then to senior clerk and finally to the position of supervisor of the Outgoing Mails Unit of the Administrative Department of the System with a salary of ₱5,540.00 per annum; that in 1967, she suffered from arthritis which became worse in 1969; that for this reason, on June 18, 1969, the claimant wrote a letter to the Administrator of the Social Security System asking that she be retired due to her ailment; and that on June 1, 1969, she stopped working on account thereof.[2]

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[1] *Rollo*, pp. 58-64.

[2] *Rollo*, pp. 58-59.

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On December 31, 1972, Leonora H. Latuño filed a claim for disability compensation with Regional Office No. 4 of the Department of Labor at Manila. The Social Security System submitted on January 24, 1973 its employer's report and filed a motion for reinstatement of its right to controvert the claim. The Acting Referee set the case for hearing on the merits, and thereafter rendered a decision ordering the Social Security System to pay the claimant the sum of ₱6,000.00 as disability compensation benefits and to pay the Regional Office No. 4 the sum of ₱61.00 as administrative and decision fees.[3]

The Social Security System appealed to the Workmen's Compensation Commission which rendered its decision dated January 16, 1974 affirming the decision of the Acting Referee and ordering the Social Security System to pay the claimant the amount of ₱6,000.00 as compensation pursuant to Sections 14 and 18 of the Workmen's Compensation Act and to pay to the Workmen's Compensation Fund the amount of ₱66.00 as administrative cost and fee for the review.[4]

The main issue is whether or not the claimant was afflicted with Osteo-Arthritis in the course of her employment. This is a factual issue. The filing of the Acting Referee and of the Workmen's Compensation Commission is that the ailment of the private respondent supervened during her employment with the Social Security System.

The facts, as found by the Acting Referee, are:

"As gleaned from the evidence there is apparently no dispute that the claimant was really afflicted with Osteo-Arthritis in the course of her employment. The medical evidence on record sufficiently bear out the fact that on account of her illness she has been on sick leaves many times and that she made consultations with the GSIS General Hospital where she was diagnosed to be suffering from Arthritis. Subsequent examinations by Dr. Arturo Fajardo, Resident Physician of the GSIS General Hospital confirmed previous diagnosis and he

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[3] *Rollo*, p. 42.

[4] *Rollo*, p. 64.

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found the claimant to be suffering from Osteo-Arthritis. It was precisely this ailment which rendered the claimant physically incapable of performing her duties and as a result of which she applied to be retired from the service. It was the basic reason invoked by the claimant when she wrote the administrator on May 28, 1969 which was received by the respondent on June 18, 1969 (Exhibit 'B' and 'B-1').

"We take notice of the fact that the claimant was only 45 years old when she retired from the service, at the time when she was on the way up, as she was already a Unit Supervisor. She was compelled to leave a good paying job and she was left no choice as her physical condition prevented her from further working with the respondent. The swelling and the pains of her joints were just too much for her and the recurrent attacks caused her to be absent very often. It must be conceded that the claimant would not have stopped working from an institution like the Social Security System were at a time when employment was a national problem were she not compelled by physical disability.

"There is ample evidence showing that the claimant's ailment was causally and proximately linked to her employment. Dr. Arturo Fajardo, Resident Physician of the GSIS General Hospital who has attended to the claimant in his physician's report stated that the claimant's ailment was aggravated by the employment (Exhibit 'C'). He also testified that physical stress is an aggravating factor and that the claimant was exposed to air conditioned rooms which contributed to the pains of her arthritis. Under the law, in the absence of substantial evidence to the contrary, the statements of Dr. Arturo Fajardo in his Physician's Report are presumed to be true and correct. Dr. Arturo Fajardo strengthened this statement with his testimony. There is nothing from the evidence which shows that Leonora H. Latuño was suffering from any illness particularly Osteo-Arthritis when she entered employment with the Social Security System in 1959. There is no doubt that the claimant contracted the ailment while he was already in the active employ with the Social Security System. It must be conceded that the claimant's duties subjected her to constant pressure, thus subjecting to physical and mental stress. Her duties therefore definitely contributed greatly to the acceleration and aggravation of her ailment. The fact that the claimant was afflicted with Osteo-Arthritis in the course of her employment, the law presumes that such ailment arose out of her employment or was at least aggravated by the nature of her duties (*Delgado Brothers, Inc., versus WCC*, L-31579, November 29, 1972; *Agustin vs. WCC*, L-19957,

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September 29, 1964). Thus, the claimant is even relieved from the burden of proving causation (*Justiniano vs. WCC*, L-22774, November 21, 1966)."[5]

The foregoing findings are supported by the evidence of record.

This Court will not review the evidence to determine the credibility of the witnesses. There is no showing that the Workmen's Compensation Commission committed a grave abuse of discretion in appreciating the evidence.

It has been established that the illness of Leonora H. Latuño which made her retire from the service supervened during her employment with the Social Security System. Hence, there is a disputable presumption that the claim is compensable.[6] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. The burden of proof is shifted to the employer to show that the sickness is not compensable.[7] The private respondent adduced evidence that her illness was at least aggravated by her employment with the Social Security System. The private respondent's duties subjected her to constant pressure and to physical and mental stress. Her employment contributed to the acceleration and aggravation of her ailment.

The petitioner has not adduced sufficient evidence to overcome the compensability of the private respondent's illness.

The contention of the petitioner that the claim was filed beyond the period prescribed by Section 24 of the Workmen's Compensation Act has no merit. It is settled that the claimant's failure to comply with Section 24 is non-jurisdictional and does

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[5] *Rollo*, pp. 37-39.

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

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

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not constitute a bar to the proceedings.[8] Moreover, this Court has held in a number of cases that pursuant to Article 1144 (2) of the Civil Code of the Philippines, "The compensation under the Workmen's Compensation Act is a liability vested by statute which prescribes in ten (10) years."[9]

WHEREFORE, the decision sought to be reviewed is hereby AFFIRMED with the modification that the petitioner, Social Security System, should pay the private respondent the amount of Six Hundred Pesos (₱600.00) as attorney's fees in addition to the disability compensation benefits of ₱6,000.00.

SO ORDERED.

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

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[8] *LUSTEVECO vs. Workmen's Compensation Commission*, 27 SCRA 1132.

[9] *Leonardo vs. Workmen's Compensation Commission*, 88 SCRA 58, 63.