Supreme Court E-Library

FIRST DIVISION

[G.R. No. L-42640. September 28, 1979]

SOFIA L. ENRIQUEZ, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and PHILIPPINE GLOVES COMPANY,** *respondents.*

SYLLABUS

1. LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; DOCTRINE OF PRESUMPTION OF COMPENSABILITY; APPLIED IN CASE AT BAR.— [P]etitioner enjoys the presumption of compensability which arises when, as in this case, the illness, basis of the compensation claim, supervened in the course of employment. Consequently, contrary to the reversal order of respondent Commission, there was no need for petitioner to establish by evidence her disability by reason of her illness — as long as the presumption is not destroyed by respondent employer. For as We enunciated in *Paraiso vs. Castelo-Sotto* (85 SCRA 419 [1978]), citing *Cañonero vs. WCC* (81 SCRA 712, 717-718 [1978]) and *Santos vs. WCC* (75 SCRA 365 [1977]), the respondent Commission in going against the doctrine of presumption of compensability "proceeds from the wrong premise that, under the obtaining facts, the (claimant) has still the burden to show by substantial evidence that she was incapacitated from labor by reason of her illnesses. WE have ruled that is a patent distortion of the burden of proof applicable to cases where, as in this case, the presumption of compensability had already set in. Because once an illness, subject matter of a compensation claim, is shown to have supervened in the course of employment, as is the situation here, there arises in favor of the claimant the rebuttable presumption that the said illness either arose out of, or at least was aggravated by, the nature of claimant's employment; and that consequently, the burden to show by substantial evidence the contrary lies with the employer. And the ultimate result of that principle is that the presumption *rebuttable* in its inception becomes *conclusive* upon the failure of the respondent employer to destroy the same" (recently reaffirmed on May 28, 1979 in *De Guzman vs. WCC*, G.R. No. L-43532; *Vda. de Isanan vs. WCC*,

Supreme Court E-Library

G.R. No. L-42633; *Rombaoa vs. WCC,* G.R. No. L-43405; and *Narvades vs. WCC*, G.R No. L-42554 decided jointly with 11 other cases, per *Justice Teehankee).* In the instant case, the records show that respondent employer failed to destroy that presumption.

2. **ID.; ID.; THE RIGHT TO COMPENSATION EXTENDS TO DISABILITY DUE TO DISEASE SUPERVENING UPON AND APPROXIMATELY AND NATURALLY RESULTING FROM A COMPENSABLE INJURY; CASE AT BAR.**— [T]he right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from a compensable injury (82 Am. Jur. 132). Where the primary injury is shown to have arisen in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to claimant's own negligence or misconduct (I Larson Workmen's Compensation Law 3-279 [1972]). Simply stated, all the medical consequences and sequelae that flow from the primary injury are compensable (*ibid.*). There is therefore no question that petitioner is entitled to compensation benefits under the Workmen's Compensation Act, as amended.

APPEARANCES OF COUNSEL

A.A. Rubin T.O. San Juan & M.M. Respicio (CLAO) for petitioner.

Emerico B. Lomibao for private respondents.

D E C I S I O N

MAKASIAR, *J.*:

Petition for review on *certiorari* of the January 8, 1976 decision of the Workmen's Compensation Commission, filed by petitioner in *forma pauperis.*

On March 21, 1975, petitioner filed a claim for compensation with the Department of Labor, Regional Office No. IV for kidney ailment (nephrectomy, right kidney), claiming that the date of illness was June 16, 1965 and that she stopped working by reason thereof sometime in 1973 (p. 51, WCC rec.). It appears

Supreme Court E-Library

that by reason of her illness, she underwent surgery for the removal of her infected right kidney (nephrectomy).

On October 30, 1975, the Acting Referee rendered a decision ordering respondent employer to pay petitioner the amount of Three Thousand Four Hundred Eleven Pesos and Twenty Centavos (₱3,411.20) as compensation benefits under Section 18 of the Workmen's Compensation Act, as amended. The said award was based on the following findings of the Acting Referee:

"Record and evidence disclose that sometime in 1960, the herein claimant, SOFIA L. ENRIQUEZ, started working with the PHILIPPINE GLOVES COMPANY, as Seamstress, working 8 hours a day for seven days a week. In the course of her employment, particularly in June, 1965, she became gravely ill and was confined at V. Luna General Hospital. Upon examination by Dr. Romeo B. Atienza, she was found to be afflicted with kidney Pyonephrosis and for which she underwent surgery for the removal of said infected kidney.

"Premised on the foregoing environmental facts, claimant now seeks to recover sickness benefits under the Workmen's Compensation Act. Respondent controverted claimant's right to compensation on the ground that the alleged illness is not service-connected.

"After a careful examination of the records, we are convinced that the claimant has made out a good case. Claimant was in good health when she started her employment. In the course thereof, she was afflicted with kidney trouble. We are inclined to believe that said ailment resulted from the nature of her employment and was aggravated by the same. This theory is confirmed by Dr. Santos Tomacruz in the physician's report executed by him. Moreover, the law and jurisprudence presume causation or aggravation. As held:

> 'The precise medical causation of the illness is not significant, as long as the illness supervened in the course of employment. The presumption of causation and aggravation then applies. x x x The burden to overthrow the presumption and to disconnect, by substantial evidence, the injury or sickness from employment, is laid by the statute at the door of the employer. x x x (*Lourdes Vda. de Magalona vs. WCC, et al.*, G.R. No. L-21849, Dec. 11, 1967).'

"Respondent failed to present substantial evidence to overthrow this presumption, warranting an award of compensation.

Supreme Court E-Library

"Under Section 18 of the Act, claimant is entitled to 50% of her average weekly wage for the number of weeks specified therein she having suffered 50% NSD per findings by our Medical Rating Officer. Her average weekly wage ₱67.90 and 50% of which is ₱32.80 for 104 weeks, claimant is entitled to ₱3,411.20."

Thereafter, respondent employer sought reconsideration of the Award; but the same was denied on November 28, 1975 for lack of merit. However, pursuant to Section 4, Rule 19 of the Rules of the Workmen's Compensation Commission, the entire records of the case were elevated to the Commission for review.

On January 8, 1976, the respondent Commission, although affirming the basic factual foundation of the compensation claim, thus:

"The records of this case disclose that claimant was employed by the respondent as a seamstress with a daily wage of ₱9.70, working 8 hours (a day) for seven (7) days a week. On June 16, 1965 [she] suffered from a kidney ailment diagnosed as 'Calculus Pyonephrosis Rt. Kedney' and a nephrectomy was performed. She was confined at the V. Luna General Hospital for 24 days only and continued working thereafter. On March 21, 1975 she filed a claim for disability compensation against respondent for her illness on June 16, 1965 and by reason of which she allegedly stopped working on September 11, 1973.'"

nevertheless, reversed the award reasoning that —

"x x x While there is evidence to show that claimant was operated on for the removal of her right kidney in June, 1965 there is no showing that she was incapacitated for labor by reason thereof. On the contrary she continued working until she was terminated by the respondent for abandonment of her work. Claimant alleged that she was separated by the respondent by reason of her ailment on September 11, 1973. However, she failed to establish her alleged incapacity for work by proof of medical treatment. The Physician's report which she offered in evidence is for her treatment by Dr. Santos Tomacruz on March 1, 1975 which is almost two (2) years from the time she stopped working and is inadmissible in evidence. For, granting that she was sick on March 1, 1975, the same is no longer traceable to her former employment. Since there is no showing that claimant was disabled for labor prior to or at the time of her separation

Supreme Court E-Library

from her employment, the Acting Referee below committed a reversible error in granting disability benefits to claimant."

Hence, this petition, which WE subsequently treated as a special civil action.

WE reverse.

Respondent Commission's peremptory reversal of the Acting Referee's Award constitutes a grave abuse of discretion as it is patently contrary to and in clear disregard of the prevailing jurisprudence on Workmen's Compensation and of the evidence on record.

1. There is no dispute that petitioner's claim for compensation is anchored on her kidney ailment which supervened in the course of her employment with respondent employer or in *June, 1965* (pp. 32, 51, 53, 58-61, WCC rec.); that, as shown by petitioner's clinical records, said kidney ailment necessitated her confinement at the V. Luna Medical Center, Quezon City on *June 16, 1965* and her subsequent surgery (nephrectomy) at the same hospital on *June 24, 1965*, for the removal of her infected right kidney; that said surgery incapacitated her from work for twenty-four days; that thereafter, petitioner was able to resume her work with respondent employer; and that subsequently, or sometime in 1973, the exact date of which is not clear from the records, petitioner stopped working.

2. Prescinding from the above undisputed facts, it is clear, as correctly held by the Acting Referee, that petitioner enjoys the presumption of compensability which arises when, as in this case, the illness, basis of the compensation claim, supervened in the course of employment. Consequently, contrary to the reversal order of respondent Commission, there was no need for petitioner to establish by evidence her disability by reason of her illness — as long as the presumption is not destroyed by respondent employer. For as We enunciated in *Paraiso vs. Castelo-Sotto* (85 SCRA 419 [1978]), citing *Cañonero vs. WCC* (81 SCRA 712, 717-718 [1978]) and *Santos vs. WCC* (75 SCRA 365 [1977]), the respondent Commission in going against the doctrine of presumption of compensability "proceeds

Supreme Court E-Library

from the wrong premise that, under the obtaining facts, the (claimant) has still the burden to show by substantial evidence that she was incapacitated from labor by reason of her illnesses. WE have ruled that that is a patent distortion of the burden of proof applicable to cases where, as in this case, the presumption of compensability had already set in. Because once an illness, subject matter of a compensation claim, is shown to have supervened in the course of employment, as is the situation here, there arises in favor of the claimant the rebuttable presumption that the said illness either arose out of, or at least was aggravated by, the nature of claimant's employment; and that consequently, the burden to show by substantial evidence the contrary lies with the employer. And the ultimate result of that principle is that the presumption *rebuttable* in its inception becomes *conclusive* upon the failure of the respondent employer to destroy the same" (recently reaffirmed on May 28, 1979 in *De Guzman vs. WCC,* G.R. No. L-43532; *Vda. de Isanan vs. WCC,* G.R. No. L-42633; *Rombaoa vs. WCC*, G.R. No. L-43405; and *Narvades vs. WCC*, G.R No. L-42554 decided jointly with 11 other cases, per *Justice Teehankee*). In the instant case, the records show that respondent employer failed to destroy that presumption.

3. Moreover, the medical evidence of petitioner supports the compensability of petitioner's claim. The *1965* V. Luna clinical records of petitioner reveal as aforestated that she was admitted on *June 16, 1965* in the said hospital, subjected on *June 24, 1965* to nephrectomy surgery by her attending physician, Dr. Romeo Atienza, MC and was discharged on July 9, 1965; that initial diagnosis was "719-615-Calculus Rt. Kidney, 722-100.2 Pyonephrosis (Rt. Kidney)" and the final diagnosis was "Calculus-Pyonephrosis Right." The *1975* Physician's Report of Sickness or Accident signed by Dr. Santos Tomacruz, P.C. Metrocom, Med-Dispensary, Quezon City (p. 53, WCC rec.) contains a diagnostic finding of "Nephrectomy, Right Kidney"; and in said report, the said attending physician stated that he first administered treatment to petitioner on *March 1, 1975*; and opined that said ailment disabled petitioner from labor and was caused by and the result of her employment.

Supreme Court E-Library

Under Section 49 of the Workmen's Compensation Act, as amended, the aforesaid physician's report and clinical records related to the compensation claim are, contrary to the respondent Commission's order, admissible evidence and may be used as proof of the fact in dispute (*Lorenzo vs. WCC,* 2 PHILAJUR 425, 431; 81 SCRA 435, 439-440 [1978]; *Romero vs. WCC*, 77 SCRA 483, 488 [1977]). Consequently, the conclusion of respondent Commission in its disputed order of reversal that petitioner failed to prove her disability, is baseless.

The fact that the said physician's report was based on petitioner's treatment only on March 1, 1975 or more than one year after she stopped working, does not detract from its evidentiary value and weight because, the physician's diagnostic finding of "nephrectomy, right kidney" contained therein was traced by said physician to petitioner's *1965* kidney ailment and surgery (nephrectomy) [p. 53, WCC rec.]

Viewing the case and the evidence in their entirety, the natural inference that readily flows therefrom is that petitioner's 1965 kidney ailment recurred in 1973 and/or the consequential loss in 1965 of her right kidney (nephrectomy) sapped her strength little by little as she thereafter resumed working as seamstress with respondent employer, which ultimately led to her disability from labor. Verily, the right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from a compensable injury (82 Am. Jur. 132). Where the primary injury is shown to have arisen in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to claimant's own negligence or misconduct (I Larson Workmen's Compensation Law 3-279 [1972]). Simply stated, all the medical consequences and sequelae that flow from the primary injury are compensable (*ibid.*). There is therefore no question that petitioner is entitled to compensation benefits under the Workmen's Compensation Act, as amended.

4. On the other hand, respondent employer's evidence does not indubitably show its defense that petitioner was terminated

Supreme Court E-Library

from work by reason of her abandonment. In its answer (pp. 45-49, WCC rec.), respondent employer alleged that "x x x claimant simply went on an authorized absence sometime on the first week of September, 1973 without notice and for unknown reasons, hence, respondent assumed that claimant herself simply abandoned her employment and for which reasons she was considered terminated on September 7, 1973." However, in the affidavit of respondent employer's manager (p. 42, WCC rec.) submitted in support of respondent employer's stand, it was stated that "she went on sick leave as shown in our records on October 2, 1973 to October 21, 1973, then again on November 18, 1973 to December 13, 1973 after which she never returned to work and has completely abandoned her job x x x."

Such bare allegation of abandonment cannot prevail over the documented stand of petitioner that she ceased working by reason of her disability caused by her kidney ailment. Furthermore, the admission of the respondent employer that petitioner went on sick leave on the aforesaid dates before she allegedly abandoned her work, supports, as the same is more consistent with, the position of petitioner that she stopped working by reason of her kidney ailment, than respondent employer's theory of abandonment.

WHEREFORE, THE DECISION OF THE RESPONDENT COMMISSION IS HEREBY SET ASIDE AND THE RESPONDENT EMPLOYER IS ORDERED:

1) TO PAY THE PETITIONER THE SUM OF THREE THOUSAND FOUR HUNDRED ELEVEN AND 20/100 (₱3,411.20) PESOS AS COMPENSATION BENEFITS;

2) TO REIMBURSE PETITIONER FOR HER MEDICAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS; AND

3) TO PAY THE SUCCESSOR OF THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE (₱61.00) PESOS AS ADMINISTRATIVE FEE.

SO ORDERED.

Teehankee, Acting C.J., (Chairman), Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.