

CIRILA LEGASON, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-43089. January 31, 1977

Ponente: MARTIN, J.

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MARTIN, J.:

Petition for review[1] of the decision of the Workmen's Compensation Commission in WCC Case No. RO7-12447 dismissing the claim for compensation of the petitioner which has been previously granted by the Acting Labor Referee.

On June 11, 1923, petitioner was employed as a classroom teacher by the respondent Republic of the Philippines thru the Bureau of Public Schools (hereinafter referred to as respondent Republic). In the course of her employment, she was found to be suffering from hypertension, hypertensive heart disease and tuberculosis of the lungs with hemoptysis. Due to her ailments, she was constrained to retire from her position on August 31, 1966 under Republic Act 660 at the age of 63 after having rendered more than forty (40) years of government service.

Sometime in September 1972, petitioner filed a formal notice of injury and claim for compensation which was tentatively controverted by the respondent Republic. However, during the hearing before the Acting Labor Referee, the respondent Republic failed to present any evidence in controversion of petitioner's claim.

On December 2, 1974, the Acting Labor Referee rendered his decision, the dispositive portion of which reads:

"WHEREFORE, the respondent is hereby ordered to pay, through this Office, the following pecuniary obligations, to wit:

1. To claimant, in lump sum, the amount of SIX THOUSAND (P6,000.00) PESOS, as disability benefit;
2. The claimant shall be entitled to the benefits provided for by Section 13 of Act No. 3428, as amended;
3. To Atty. Adriano Montes, the counsel who helped litigate this claim, the amount of THREE HUNDRED (P300.00) PESOS, as attorney's fees; and
4. To this Office, the amount of SIXTY ONE (P61.00) PESOS, as administrative fee."

Upon review of the records of the case, the respondent Commission reversed the decision of the Acting Labor Referee and dismissed the claim of petitioner.

In dismissing petitioner's claim for compensation, the respondent Commission ruled that she was not disabled from labor prior to her retirement because she was merely suffering from hypertension and that her retirement was by reason of age and length of service. This conclusion of the respondent Commission finds no support in the evidence on record. The respondent Commission failed to consider the testimony of petitioner and that of her attending physician who submitted the Report of Sickness or Accident.[2] It is clearly indicated in the Report of

the Local Claims Committee for Compensation[3] composed of the School Physician, the District Supervisor and the School Principal:

- "1. That the claimant started as a classroom teacher on June 11, 1923 until August 31, 1966 when she retired under Republic Act 660, serving the respondent for more than 40 years; she retired at the age of 63 with the last salary rate of P3,223.56.
2. That the claimant began to feel the pain and suffered hypertension in 1954 and she had to consult some physician with different hospital, like the Graham Memorial Hospital;
3. That in 1964, she was treated by Dra. Simeona Virtucio, who prepared the physician's report.
4. That the findings of the physician pointed to the fact that the claimant has been suffering from a hypertensive heart disease which was caused by her employment as a teacher in view of the routinary activities, such as taking direct supervision and control of the school children;
5. The physician also revealed that the claimant's work involved emotional tension on account of her teaching activities which caused her to contract tubercular lungs with hymoptysis;
6. That her constant hiking from her place of residence to her station practically exposed her to the bad elements of weather and dust, resulting in the aggravation of her ailment and resulting to her present rheumatic condition, and for which reason, he was advised to rest by her physician, hence her retirement."

This Report contrary to the conclusion of the respondent Commission clearly shows that petitioner was physically incapable of performing her usual work and disabled for the purpose. Besides, her retirement from her position on August 31, 1966 under Republic Act No. 660 at the age of 63 after having rendered more than forty (40) years of government service would not have been approved if she had not complied with conditions prescribed for optional retirement, pursuant to Memorandum Circular No. 133 issued by the Office of the President which among others provides that "all applications for optional retirement under Com. Act No. 180, 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 applicants retirement gratuity over and above the fund requirements of its programmed projects and activities and provided any of the following circumstances or conditions, is present:

1. x x x x x.
2. The employee-applicant is below 65 years of age, is physically incapacitated to render further efficient service".

The fact that petitioner's application for optional retirement at the age of 63 was duly approved, simply indicates that she has met the conditions or requirements for retirement that she was below 65 years of age but she was physically incapacitated to render further efficient service.

On the other hand, while the respondent Republic made a tentative controversion of petitioner's claim, nevertheless, it failed to present any evidence to the contrary during the hearing conducted by the Acting Referee. Indeed, this amounts to no controversion at all. The rule is well settled that once the illness has supervened during the time of employment, there exists a rebuttable presumption[4] that the same arose out of or was at least aggravated by such employment and the burden to overthrow said presumption shifts to the employer and the employee is relieved of the burden to show causation.[5] Moreover, the failure to controvert the claim is fatal to any defense that the employer could interpose and that constructively, such failure is equivalent to an admission that the claim is compensable.[6] Under the circumstances, the inescapable conclusion is that the petitioner had contracted her ailments, namely, hypertension, hypertensive heart disease and tuberculosis of the lungs in the course of her employment and that the same were aggravated by the nature of her work as a classroom teacher

which involved emotional strain because she had to take direct control and supervision over school children. Likewise, petitioner had been subjected to constant exposure to the elements for such a considerable length of time as she had to walk from her residence to her official station. Her physical condition must have deteriorated to such a state that she could no longer discharge the task of a classroom teacher, forcing her to retire from the service. Hence, petitioner is entitled to compensation under Sections 2 and 14 of the Workmen's Compensation Act.[7]

WHEREFORE, IN VIEW OF ALL THE FORE-GOING, the decision of the respondent Workmen's Compensation Commission is hereby reversed and set aside and the former award made by the Acting Labor Referee in favor of petitioners revived and reinstated.

SO ORDERED. Without pronouncement as to costs.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Concepcion, Jr., JJ., concur.

[1] Treated as Special Civil Action as per Resolution of the Court dated June 23, 1976.

[2] Exhibit "B".

[3] Exhibit "C".

[4] "SEC. 44. Presumption. - In any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary -?

1. That the claim comes within the provisions of this Act;
2. That sufficient notice thereof was given;
3. That the injury was not occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another;
4. That the injury did not result solely from the intoxication of the injured employee while on duty; and
5. That the contents of verified medical and surgical reports introduced in evidence by claimants for compensation are correct. (As added by Section 24 of Republic Act No. 772.)

[5] Talip vs. Workmen's Compensation Commission, 71 SCRA 218.

[6] Pros vs. WCC, L-43348, Sept. 29, 1976; Camarillo vs. WCC, L-42831, Oct. 21, 1976; both citing Apolega vs. Hizon, 25 SCRA 336; National Mirror Factory vs. Vda. de Anure, 27 SCRA 719, Victorias Milling Co. vs. WCC, 28 SCRA 285; Northwest Airlines vs. WCC, 28 SCRA 877; La Mallorca vs. WCC & Zuñiga, 30 SCRA 613; A.D. Santos vs. Sapon, L-22220, April 29, 1966; Itemcop vs. Florzo, L-21969, Aug. 31, 1966; Nadeco vs. Rongavilla, L-21963, Aug. 30, 1967; Rio y Compania vs. WCC, L-21467, Aug. 30, 1967; Pampanga Sugar Mills vs. Espeleta, L-24973, Jan. 30, 1968.

[7] "SEC. 2. Grounds for compensation.- When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified. x x x."

"SEC. 14. Total disability. - In case the injury or sickness causes temporary total disability for labor, the employer shall, during such disability, pay to the injured employee a weekly compensation equivalent to sixty per centum

of his average weekly wage but no less than fourteen pesos per week, except in the case provided for in the next following paragraph. No compensation shall be allowed for the first three calendar days of incapacity resulting from an injury except the benefits provided for in the preceding section; but if the incapacity extends beyond that period, compensation shall be allowed from the first day of such incapacity. Such weekly payments shall in no case continue after the disability has ceased, nor shall the aggregate sum paid as compensation exceed in any case six thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of injury.

In the case of an employee whose average weekly wages are less than fourteen pesos per week, the weekly compensation shall be the entire amount of such average weekly wages, but if the disability is permanent, the compensation shall be fourteen pesos in such case, in the event that the total disability begins after a period of partial disability, the amount of compensation due for the latter and for any other disability shall not exceed the maximum amount of six thousand pesos."

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