

ALEJANDRO SANCHEZ, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, PHILIPPINE ROPE INDUSTRIES, INC., RESPONDENTS.

G.R. No. L-47985. June 20, 1986

Ponente: FERIA, J.

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FERIA, J.:

Petitioner seeks the review on certiorari of the decision of the Workmen's Compensation Commission dated December 18, 1975, which reversed the decision of the Hearing Officer dated September 26, 1975 ordering private respondent Philippine Rope Industries, Inc., to pay him disability compensation benefits.

From the statement of facts and of the case in the comment of the Solicitor General, which was adopted by petitioner in his Brief, it appears that that on January 25, 1972 petitioner entered the employ of private respondent, first as a laborer arranging bundles of abaca and later as an operator of spinning and balling machines. He stopped working on May 8, 1973 for treatment of an ailment diagnosed to be pulmonary tuberculosis by Dr. Benvenuto T. Juatco. He had worked six (6) days a week earning P8.00 a day, usually with overtime on Sundays. From May 9, 1973 up to January 8, 1975, petitioner had been under the medical care of the above-named physician.

On July 23, 1974, petitioner filed a claim against private respondent for disability benefits under the Workmen's Compensation Act alleging that he contracted pulmonary tuberculosis in the course of his employment disabling him from work. On October 1, 1974, private respondent filed its report controverting the claim of petitioner. After hearing the merits of the case, the Hearing Officer rendered a decision in favor of petitioner. On appeal by private respondent, respondent Workmen's Compensation Commission reversed the Hearing Officer's decision and dismissed petitioner's claim for lack of merit.

Petitioner contends that public respondent committed a reversible error in dismissing his claim mainly on the ground that the findings of Dr. Benvenuto T. Juatco were not supported by any laboratory examination or chest X-ray conducted on petitioner on or before he stopped working on May 8, 1973.

Private respondent, on the other hand, contends that the illness of petitioner did not supervene during his employment.

The Solicitor General agrees with petitioner.

We find that petitioner has sufficiently established the illness upon which he based his claim. Apart from the diagnosis of Dr. Benvenuto T. Juatco cited earlier, the Hearing Officer found that "the disability of the claimant was referred for evaluation to the Compensation Rating Medical Officer of his office who submitted his findings that claimant was totally disabled for work from May 8, 1973 up to September 25, 1975 and is suffering from permanent partial disability of 48% NSD (PTDB)". While it is true that petitioner submitted no X-ray report on or before May 8, 1973, and that he subjected himself to a chest X-ray only on May 24, 1974 as observed by public respondent, this omission does not negate petitioner's claim.

This Court, reiterating the ruling in *Ybañez vs. WCC* (June 30, 1977, 77 SCRA 501), declared that an X-ray or some other laboratory report is not an indispensable prerequisite to compensation (*Mercado vs. Workmen's Compensation Commission, et al.*, February 28, 1978, 81 SCRA 730, 735). Reversing respondent Commission, this Court ruled:

"In deciding adversely against the compensability of petitioner's claim for lack of a showing that he was subject to X-ray examination and for failure to submit X-ray findings to prove that he was in fact afflicted with moderately advanced PTB, the Workmen's Compensation Commission has committed a grave error. The Commission has, in effect, under-mined the efforts of the government to promote and strengthen the social justice program ingrained in the Constitution." (p. 734, *supra*.)

Further, petitioner has in his favor the legal presumption of compensability established under the Workmen's Compensation Act. In the case of *Cañete vs. Workmen's Compensation Commission* (May 8, 1985, 136 SCRA 302, 307), this Court reiterated the doctrine set in *Vda. de Galang vs. WCC* (March 30, 1977, 76 SCRA 153) which stated that "x x x for it is a settled rule in our jurisdiction that the law presumes in the absence of substantial evidence to the contrary that a claim is compensable, and so rigid is the rule that even where the cause of death is unknown the right to compensation subsists, the reason being that the WCA is a social legislation designed to give relief to the working man."

Thus, petitioner must be upheld and the decision appealed from must be reversed, inasmuch as this legal presumption of compensability has not been traversed by the private respondent to whom the burden of proof is shifted (*Parages vs. Employees' Compensation Commission*, January 17, 1985, 134 SCRA 73, 78).

The record shows that petitioner died on December 23, 1979 and on motion of his wife, Adoracion Jarabo Sanchez, she and their children, Arturo, Susan, Alberto, Aida and Anita, all surnamed Sanchez, were substituted as petitioners in this case. (Resolution dated April 1, 1981)

WHEREFORE, the decision of the Workmen's Compensation Commission is hereby reversed and set aside. Private respondent is ordered:

- 1) To pay the heirs of petitioner, namely Adoracion Jarabo, Arturo, Susan, Alberto, Aida and Anita, all surnamed Sanchez, in lump sum payment the amount of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits.
- 2) To pay Atty. Ricardo M. Perez, counsel for the claimant, the amount of P299.19 as attorney's fees;
- 3) To pay the amount of P60.00 as fees in accordance with Section 55 of the Act.
- 4) To pay the costs.

SO ORDERED.

Fernan, Alampay, Gutierrez, Jr., and Paras, JJ., concur.

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