

ERLINDA P. VILLASAN, ARMANDO VILLASAN AND ALFREDO VILLASAN, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF HEALTH) MALARIA ERADICATION SERVICE, RESPONDENTS.

G.R. No. L-47075. April 08, 1981

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Petitioners seek a review of the Decision of the Workmen's Compensation Commission dated 30 January 1976 dismissing their appeal in RO4-WC Case No. 168534 entitled "Erlinda Villasan, et al. vs. Republic of the Philippines (Department of Health)," as well as of the Order dated 15 July 1977 of the Compensation Appeals and Review Staff of the Department of Labor denying reconsideration. Simultaneously, they pray that this case be considered a special civil action.

The deceased Apolinar Villasan, husband of petitioner Erlinda Villasan, was employed with the Malaria Eradication Service of the Department of Health as Epidemiological Aide assigned with the Malaria Unit at Cabanatuan City, from August 1961 to 3 July 1974, or a period of 13 years.

On 6 July 1974, he was admitted at the PSGMR Medical Center, Cabanatuan City, where he died of "irreversible shock secondary to severe hemorrhage and bleeding peptic ulcer" on 8 July 1974, or two days after admission.

On 29 August 1974, his wife and children, petitioners herein, as claimants, filed a Notice and Claim for Compensation for his death, with Region IV-Workmen's Compensation Section of the Department of Labor.

On 11 September 1974, respondent employer filed its Employer's Report of Accident and Sickness.

Acting on the Memorandum dated 15 November 1974 of the Committee on Physical Examination of the Department of Health, which found that there was no relationship between the nature of the deceased's work as epidemiological aide and the cause of his death, the Secretary of Health recommended to the Solicitor General that the claim be controverted. Accordingly, the Solicitor General registered the controversion on the ground that the claim is not compensable.

On 22 October 1975, the Acting Referee, Regional Office No. 4, Department of Labor, adopting the report of the physician who attended the deceased to the effect that the illness which caused the death of Apolinar Villasan was "not due to or in pursuance of, not a result of and not aggravated by his employment as epidemiological aide of respondent," dismissed the case for want of substantial evidence and for lack of merit. At that time, petitioners did not have the benefit of counsel.

Petitioners received copy of the dismissal Order on 18 December 1975. With the assistance of counsel this time, they filed a Motion for extension within which to move for reconsideration on 29 December 1975, but this was denied on 7 January 1976 by the Regional Office on the ground that Department Order No. 3, Series of 1974,

issued by the Secretary of Labor, does not allow Motions for extension of time to file an appeal from decisions or orders in Workmen's Compensation cases.

Petitioners filed a second Motion for extension on 12 January 1976 followed by the Motion for Reconsideration on 22 January 1976.

On 30 January 1976, the Workmen's Compensation Commission rendered a Decision considering the Order of dismissal by the Acting Referee, dated 22 October 1975, final and the case closed for failure of petitioners to perfect an appeal within the reglementary period, hence, the Commission could not have acquired jurisdiction over the case.

Petitioners moved for reconsideration on 5 March 1976 on the following grounds:

- "1. Department Order No. 3, Series of 1974 is not mandatory and the Motion for extension of time is addressed to the sound discretion of the Commission;
2. It is in the interest of sound administration of justice that cases are decided on the merits and not on mere technicality;
3. Doubt should be resolved in favor of labor;
4. The claim is meritorious as the illness which resulted in the death of the deceased arose out of and in the course of employment." (Annex "N").

Reconsideration was denied by the Compensation Appeals and Review Staff of the Department of Labor on 15 July 1977 for lack of merit.

Prior permission of this Court to prosecute their case as paupers having been obtained, petitioners instituted this Petition with us on 4 November 1977. We gave due course to the Petition on 23 August 1978.

On 30 October 1978, petitioners submitted a Motion praying additionally for reimbursement of medical and funeral expenses in the sums of P77.43 and P750.00, respectively.

I

It is undisputed that the deceased contracted his ailment during his employment as epidemiological aide of respondent employer. Accordingly, petitioners have in their favor the disputable presumption that when the illness supervenes during employment, it is to be presumed that the sickness either arose out of, or was at least aggravated by the nature or conditions of his work and is compensable.[1] With this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.[2]

"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. Hence, there is no more need for the claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show that the hypothesis on which he bases his claim is probable. The claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of employment." [3]

To the employer then is shifted the burden of proof to establish non-compensability. In the present case, respondent employer has failed to overthrow by substantial evidence the statutory presumption. In resolving the instant claim of petitioners, the Hearing Officer relied mainly on the medical report of the attending physician that the ailment, which caused the death of the deceased, was neither caused nor aggravated by the conditions of his work as an epidemiological aide. In the face of our ruling, however, that physician's opinions cannot prevail over the presumption established by law,[4] that report can hardly qualify as substantial evidence.

Besides, there is a divergent medical opinion in the sworn Medical Certificate of Dr. Zenaida M. Mendoza, which categorically states that the deceased

"was under my medical treatment from July 1 to 6, 1974 because of Bleeding Peptic Ulcer. His illness was acquired by failure to take food on time while having his field trip in connection with his work with the Malaria Eradication Service."[5]

Indeed, it is well known that one of the contributing causes of peptic ulcer is repeated failure to take meals on time. The deceased, by the nature of his work, which involved moving from one locality to another to spray houses or get blood smears from malaria suspects, had to experience hunger ever so often. Thus, the deceased's Unit Staff Supervisor and Officer-in-charge, in a Joint Affidavit, attested:

"That, more often than not fieldmen such as the late Apolinar Villasan experience hunger, fatigue and thirst. Since field work starts on Monday and ends Friday, there are times during hiking when there are no houses where you could cook your food. The distances involved in hiking ranges from 1 to 15 kilometers and 16 to 35 kilometers. As concrete examples are the distances involved from lowlands to mountain places of the Igorots, Ilongots and Negritos. There are also times when they became stranded because of flooded streams during rainy days. Hence hunger is inevitable."[6]

As it is, therefore, petitioners not only have the statutory presumption in their favor. They have also shown that the deceased's illness of peptic ulcer arose out of or was at least aggravated by the nature or conditions of his work. That their evidence may have been presented only after the dismissal of their case by the Hearing Officer should not militate against their claim considering that because of their lowly state in life, their being unlettered, and their being initially unrepresented by counsel, they could not be expected to be knowledgeable of the procedures necessary to establish their claim.

II

The Workmen's Compensation Commission had premised its dismissal Order of 30 January 1976 on the alleged failure of petitioners to perfect an appeal within the reglementary period, grounded on Department Order No. 3, Series of 1974, which does not allow motions for extension of time to file appeal in workmen's compensation cases.

A strict application of rules of procedure, however, must yield to the demands of substantial justice. Petitioners requested for extension within which to file their motion for reconsideration in order to afford them enough time to secure the services of a lawyer as they were unassisted by counsel during the hearing. This was a justifiable reason that called for the exercise of sound discretion by the Commission. The ends of fairness and justice would have been served thereby. Petitioners had no intention to delay. And more importantly, petitioners had a valid claim. Their substantial rights should not be defeated or suppressed by adherence to strict technicalities. Otherwise, the avenues of justice would be closed to petitioners by leaving them without any remedy. In having adopted such a rigid stand, therefore, the Commission acted with grave abuse of discretion amounting to lack of jurisdiction correctible by certiorari.

III

That the Workmen's Compensation Commission and subsequently the Compensation Appeals and Review Staff of the former Department of Labor have not been included as party respondents should be no deterrent either to the prompt disposition of this case, and they are hereby deemed impleaded in the spirit of Act No. 3428, which seeks to promote the expeditious disposal of workmen's compensation cases.[7] Besides, as the Secretary of Labor had Voluntarily entered his appearance and submitted a Comment on the instant Petition through the

Compensation Appeals Review Staff, the question has become moot and academic.

IV

To effect substantial justice to the claimants and to terminate the case here and now,[8] we hereby fix the compensation to which petitioners are entitled without remanding the case for hearing on the merits.

Petitioners may be granted death compensation in the sum of P6,000.00. The requested increased amount of P12,000.00 must be rejected since the instant case falls within the purview of the Workmen's Compensation Act, which allows the maximum aggregate sum of P6,000.00 only.[9]

The amount of P750.00 prayed for by petitioners, representing burial expenses, although duly supported by official receipts, cannot be allowed for being excessive. The sum refundable for burial expenses as provided for under Section 8 of the same Act is P200.00.

Reimbursement of medical expenses may be allowed as substantiated by the sworn medical certificate of the attending doctor, despite the opposition of the Acting Solicitor General on the ground that, as they were incurred in 1970 and 1972, they are too remote. It should be noted, however, that the claim for medical expenses was filed with us, by way of a Motion, on 30 October 1978. Assuming that the illness was contracted by the deceased in 1970, the ten-year prescriptive period computed from the time of the onset of the illness to the date of the filing of the claim had not yet elapsed. Considering, too, that the total medical expenses sought to be refunded is a reasonable and modest amount, and, in the light of the liberal construction of the Act in favor of the workman and his dependents, the claim should be granted.[10]

WHEREFORE, the Decision of the Workmen's Compensation Commission, dated 30 January 1976, and the Order dated 15 July 1977 of the Compensation Appeals and Review Staff of the Department of Labor, are hereby set aside. Respondent Republic of the Philippines (Ministry of Health) is hereby ordered:

1. To pay petitioners the amount of Six-Thousand Pesos (P6,000.00) as death benefits;
2. To reimburse the deceased's medical expenses in the sum of Seventy-seven Pesos and Forty-three Centavos (P77.43), and burial expenses in the sum of Two-Hundred Pesos (P200.00);
3. To pay petitioners' counsel the sum of Six-Hundred Pesos (P600.00) as attorney's fees; and
4. To pay the successor of the Workmen's Compensation Commission the amount of Sixty-one Pesos (P61.00) as administrative fee.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] sec. 44(1) of the Workmen's Compensation Act; *Vda. de De Laron vs. WCC*, 73 SCRA 85 (1976); *Romero vs. WCC*, 77 SCRA 483 (1977).

[2] *Simon vs. Republic*, 71 SCRA 643 (1976).

[3] *Cabinta vs. WCC*, 72 SCRA 266, 271 (1976); *Reynaldo vs. Republic*, 71 SCRA 650 (1976); *Talip vs. WCC*, 71 SCRA 218 (1976).

[4] *Flores vs. WCC*, 89 SCRA 89, 96 (1979), citing *Belmonte vs. WCC*, 58 SCRA 138 (1974); *Abana vs. Quisumbing*, 22 SCRA 1278 (1968).

[5] p. 19, Rollo.

[6] p. 18, Ibid.

[7] Cercado vs. De Dios Transportation Co., Inc. 88 SCRA 722 (1979).

[8] Justo vs. WCC, 75 SCRA 220, 222 (1977).

[9] Section 12, Workmen's Compensation Act, as amended.

[10] Manansala vs. Republic, 57 SCRA 234 (1974).

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