

CARLITA C. TRINIDAD, FOR HERSELF AND IN BEHALF OF HER MINOR CHILDREN ZENIA, CAROLINA, CARINA, RONALDO AND LEANDRO JR., ALL SURNAMED TRINIDAD, PETITIONERS, VS. WORKMEN'S COMPENSATION...

G.R. No. L-42507. February 28, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Leandro Trinidad was employed with Batangas Laguna Tayabas Bus Company (BLTB) as a stockman for several years up to the time of his death on May 14, 1974. On that day, May 14, Leandro Trinidad worked as usual and at the close of office hours he went home. Not long after, Trinidad complained of "chest oppression and dizziness" and because he was in a bad state, he was brought at about 10:00 o'clock in the evening to the Calamba Emergency Hospital in Calamba, Laguna, where he was pronounced "dead on arrival." In the death certificate it was indicated that the cause of death was "cardio-respiratory failure secondary to cerebrovascular hemorrhage." Trinidad is survived by his widow, Carlita Trinidad, and eight children, five of whom are minors who were dependent on him for support.

On August 12, 1974, the widow in her behalf and of the five minors filed with the Department of Labor a claim for death compensation. On October 24, 1974, for lack of controversion by the employer, BLTB, the acting chief referee, Ernesto H. Cruz, of Regional Office No. 4, rendered an award in favor of the claimants. On motion however of the employer on the ground that it had timely filed a controversion, the award was set aside and the case was set for hearing.

On October 24, 1975, the hearing officer, Pedro P. Pelaez, rendered a decision based on the evidence adduced by the parties, the dispositive portion of which follows:

"WHEREFORE, judgment is hereby rendered ordering the respondent to pay claimants, Carlita C. Trinidad and her five (5) above named minor children, through this office (WCC), the amount of SIX THOUSAND TWO HUNDRED PESOS (P6,200.00) as death compensation and burial expenses; the further sum of P300.00 direct to Atty. Enrique Joaquin, as attorney's fee; and the sum of P61.00 direct to the Workmen's Compensation Fund, as fee pursuant to Section 55 of the Act." (p. 41, rollo)

A motion for reconsideration was filed by the employer alleging: first, that the claim was "time-barred", and, second, that the cause of death was not work-connected nor aggravated by the employment. This motion for reconsideration was denied by the acting referee, hence, the record of the case was elevated to the Commission for review.

On December 31, 1975, the Commission set aside the aforementioned award and dismissed the claim on the ground that the illness of Leandro Trinidad which caused his death did not arise out of or in the course of

employment, and that the statutory presumption of compensability could not be availed of by the claimants for failure to establish a "preliminary link" between the illness and the nature of the work of the deceased.

We hold that the decision of the Workmen's Compensation Commission which is now under review cannot stand in the face of overwhelming jurisprudence on the presumption of compensability of a claim for an illness which occurred in the course of employment. That Leandro Trinidad was in the employ of BLTB on May 14, 1974, is admitted; that he worked on that day of May 14 is likewise admitted; and that he died in the evening of that same day is also not disputed. These facts should have been sufficient for respondent Commission to affirm the referee's award.

The Commission's ruling that the establishment of a "preliminary link" between the cause of death and the employment is essential before claimants can avail themselves of the statutory presumption of compensability, was a repetition of an argument which had been long overturned and held unacceptable by this Court under ordinary circumstances prevailing.[1]

Thus, in *Naira v. Workmen's Compensation Commission, et al.*, 1962, the Workmen's Compensation Commission discarded the claim for death compensation of the heirs of an employee of the Cia. General de Tabacos who died of pulmonary tuberculosis, on the ground that "there must be a showing that such ailment or disease was directly caused by his employment or aggravated by, or the result of the nature of such employment." In reversing the Commission's decision, the Court, speaking through Justice J.B.L. Reyes, held:

"x x x In demanding that the claimant should establish that the cause of death was directly brought about by the employment, or aggravated by the nature of the employment, the Workmen's Compensation Commission has chosen to ignore the presumption expressly established in Section 44 (1) of the Workmen's Compensation Act (No. 3428), as amended by Republic Act 772."

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"x x x Mere absence of evidence that the mishap was traceable to the employment does not suffice to reject the claim; there must be credible showing that it was not so traceable (*Batangas Trans. Co. v. Vda. de Rivera*, G.R. No. L-7658, May 8, 1956; *Bohol Land Trans. Co. v. Vda. de Madanguit*, 70 Phil. 685). In fact, in the *Batangas Transportation* case, we held that where the cause of death supervening in the course of employment is unknown, the death is compensable. x x x " (6 SCRA 362-363)

In *Justiniano v. Workmen's Compensation Commission*, 1966, where a sailor suffered an attack of high blood pressure while resting from his work, the issue was: "Is total disability due to paralysis caused by an illness - hypertension in this case - supervening during the period of employment compensable even if there is no evidence to prove that the illness arose out of said employment or was aggravated by it?" In the words of Justice Jose P. Bengzon, the Court ruled that "it is now settled that by virtue of Section 44 (1) of the Workmen's Compensation Act -- once the claimant has established that the illness, upon which the claim is premised, supervened during the time of his employment, there is a rebuttable presumption that the illness arose out of or at least was aggravated by the employment" (18 SCRA 677, 680, citing *Agustin v. WCC*, L-19957, September 29, 1964; *Hernandez v. WCC* L-20207, May 31, 1965)

In *Visayan Stevedore & Transportation Co. v. Workmen's Compensation Commission et al.*, 1974, where the employee died of what is commonly known as "bangungut" (died in his sleep), the Court through then Chief

Justice Querube Makalintal ruled the death to be compensable under the general presumption established in Section 44 of the Workmen's Compensation Act by virtue of which the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.[2]

The Court reiterated its ruling under similar circumstances (the employee died also of "bangungut") in *Cirilo Talip v. Workmen's Compensation Commission, et al.*[3]

In the case now before Us, the employee, Leandro Trinidad, was a stockman and as such his work confined him in a warehouse or place where equipments, motor vehicle spare parts, etc. were stored or stocked. In the course of his duties he was called upon to handle and lift objects. Notwithstanding the employer's affidavit that Trinidad's work was light in character, We do not doubt that the physical strain of his work day after day took its toll on his health, until on May 14, 1974, he suffered a cerebro-vascular accident which proved fatal.

Cerebro-vascular accident (CVA) means the breaking of a blood vessel within or about the brain.[4] It is also known as cerebral or intracranial hemorrhage for which the science of medicine gives several causes, among which are hypertensive vascular diseases and arterial aneurysms which are gradual processes that worsen over the years if left unchecked.[5] For purposes of the law, however, it is not essential for Us to know the cause of the employee's cerebral stroke; what is sufficient is a finding that the cerebral hemorrhage occurred in the course of the employment, that is, during the existence of employer-employee relationship - for with that, the legal presumption of compensability sets in and the burden to overthrow that presumption rests on the employer.

It is sound principle that in testing the evidence on the relation, between the injury or disease and the employment, probability and not certainty is the touchstone.[6]

WHEREFORE, We set aside the decision of respondent Commission and order the Batangas Laguna Tayabas Bus Company to pay:

1. to the claimants Carlita C. Trinidad and her minor children:

- a. Six Thousand (P6,000.00) Pesos as death compensation;
- b. Two Hundred (P200.00) Pesos for burial expenses;
- c. Costs of this proceeding;

2. to Attys. Enrique Joaquin and Felimon Uy who appeared before the Commission and before this Court, respectively, Three Hundred Pesos (P300.00) each, or a total of Six Hundred (P600.00) Pesos, for attorney's fee; and

3. to the Workmen's Compensation Commission, Sixty-one (P61.00) Pesos for the Workmen's Compensation Fund.

So Ordered.

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] See *National Development Co. v. WCC, et al.* (1966), 17 SCRA 1006; *Iloilo Dock & Engineering Co. v. WCC, et al.* (1962) 5 SCRA 394; *National Power Corp. v. WCC* (1965), 13 SCRA 116; *Abana v. Quisumbing* (1967), 22 SCRA 1278; *Rebar Buildings Inc. v. WCC* (1968), 23 SCRA 485, and many others.

[2] 59 SCRA 89, 93.

[3] 71 SCRA 218. See also *Catibog v. WCC, et al.*, Dec. 8, 1976, 74 SCRA 243; *Caling v. WCC, et al.*, May 31, 1977, 77 SCRA 309; *Evangelista v. WCC, et al.*, June 30, 1977; 77 SCRA 497; *Cuyno, Jr. v. WCC, et al.*, L-44271, Sept. 22, 1977; *National Housing Corporation v. WCC and Vda. de Niones, et al.*, L-37907, Sept. 30, 1977 citing numerous cases; *Sudario, Jr. v. Rep.*, L-44088, Oct. 6, 1977; *Lopez v. WCC, et al.*, L-42582, Oct. 21, 1977.

[4] *Schmidt's Attorney's Dictionary of Medicine*, 1965, p. 160

[5] *Textbook of Medicine by Cecil - Loeb*, 13th Ed. p. 209, 947.

[6] *Vda. de Laron v. WCC, et al.*, 73 SCRA 84 citing *Fierro v. Public Service Coordinated Transport*, 16 A. 2d. 72.

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