

EMILIANA VDA. DE PAILAGAO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND PHILIPPINE PACKING CORPORATION, RESPONDENTS.

G.R. No. L-43650. June 30, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petition for review on certiorari of the decision rendered on February 25, 1976 by the Workmen's Compensation Commission in RO11-WC Case No. 6852, reversing the award made by the Acting Referee, granting petitioner-widow of the late Diego M. Pailagao death compensation benefits.

The records show that the late Diego M. Pailagao had been employed for thirty (30) years by private respondent Philippine Packing Corporation engaged, among others, in the production of syrup. His last position was that of a supervisor working six (6) days a week, eight (8) hours a day. He usually reported for work at 2:00 A.M., ate his meal at 11:00 A.M. and returned to work at 11:30 A.M.; he goes home usually at 5:00 or 8:00 P.M. because of overtime work. As a syrup department foreman or supervisor, (1) he prepared the syrup to be used for canning pineapples, (2) was the one in charge of the laboratory, and (3) likewise supervised the distribution of syrup from the syrup department to the cookroom department, then to the crushed section. Aside from the supervisory work and duties aforementioned, he had to go to the cooler which is a big freezer, to check and dispatch the necessary materials to be used in canning of the general products such as catsup, fruit cocktail and others. He had also to go to the sugar room or the bodega where sacks of sugar are kept in order to check or receive the sacks of sugar loaded from the boat. Sometimes he likewise distributed sugar to the canteen. He purified the water for use in private respondent's company, for which reason he had to hurry up and down the two long flights of stairs to catch up with the demands of the syrup distribution and thereby avoid exhaustion of the syrup supply. Moreover, he checked in the laboratory to see and regulate the correct coloring of the syrup. At the time of his death on July 22, 1967 at the J. R. Borja Memorial Hospital in Cagayan de Oro City, he was receiving a monthly salary of P630.00.

It was on July 15, 1967 when the late Diego M. Pailagao complained to his wife of his hands' numbness and repeated the same complaint the following day, which was Sunday. On July 17, 1967, he still had the same complaint so he was given an injection by private respondent's physician, Dra. Josephine Fernandez. At dawn of July 18, 1967 while he was preparing to report for work, he told his wife about the numbness of his feet, and so he actually was not able to work but instead was only able to report said disability due to his sickness. While in the dispensary of the respondent, he was again given an injection. On July 19, 1967, he could not still work on account of his difficulty or shortness of breath. His condition worsened, necessitating his eventual confinement and treatment at the J.R. Borja Memorial Hospital in Cagayan de Oro City by Dr. Maximo Llida, a medical pathologist, where he finally succumbed on July 22, 1967.

As diagnosed by his attending physician, the cause of his death was due to auricular fibrillation, congestive heart failure which was caused by arteriosclerotic and chronic cardio-vascular diseases.

On October 20, 1967, Emiliana J. Vda. de Pailagao, widow of the deceased, filed a notice and claim for death compensation benefit with Regional Office No. XI, Department of Labor at Cagayan de Oro City, stating among others, that the "deceased's employment and the nature and requirements of work performed brought about the cause of death" (p. 286, WCC case records).

However, as early as July 25, 1967, private respondent filed its "Employer's Report of Accident or Sickness" with respect to the late Diego M. Pailagao (WCC Form No. 3) with the same Workmen's Compensation Unit and stated its intention to controvert the claim for compensation in said case.

On November 6, 1970, after due notice and hearing, the Acting Referee rendered an Award in favor of claimant Emiliana Vda. de Pailagao and her minor son.

On November 26, 1970, counsel for private respondent filed a motion for reconsideration of said Award which in turn was opposed by claimant's counsel. On February 9, 1971, the Referee denied respondent's motion for reconsideration and at the same time elevated the entire records of the case to the Workmen's Compensation Commission for review (see p. 391, WCC case records).

On February 25, 1976, the Workmen's Compensation Commission rendered its decision reversing the Award made by the Referee, pertinent portion of which reads as follows:

"There is no dispute regarding the following facts: (1) Employment, (2) Salary of the deceased, (3) Dependency, (4) Filiation, (5) Fact of death, and the working hours of the deceased, from 2:00 a.m. up to 5:00 or 8:00 p.m. the next day because he usually rendered overtime service, as the supervisor in the syrup department of the respondent. 'That on July 15, 1967, Mr. Diego M. Pailagao had complained of his hands' numbness to his wife and on the following day, that was Sunday, he made the same complaint; that on July 17, 1967, he still had the same complaint wherein he was injected by the respondent's physician, Dra. Josephine Fernandez and at dawn of July 18, 1967, while he was preparing to report for work, he told his wife about the numbness of his feet, so that, actually he was not able to report his inability as a result of his sickness and on same day while in the respondent's dispensary, he was again injected, that on July 19, 1967, he could not still work on account of his condition had worsened and so he was confined and treated in the J.R. Borja Memorial Hospital at Cagayan de Oro City by Dr. Maximo Llida, a medical pathologist of said hospital, and in spite of the efforts to save his life, nevertheless, had succumbed to death on July 22, 1967 due to auricular fibrillation, congestive heart failure which was caused by the arteriosclerotic cardio-vascular disease chronic.'

"The only issue to be resolved, is whether or not the illness which resulted in death, may be considered as falling within the compensatory provisions of the Act, as amended.

"After going over the records, we are of the view and so hold, that the claim does not fall within the compensatory coverage of the Act, as amended. Decedent's employment with respondent, has nothing to do with his illness as well as his death. His job with the respondent is purely supervisory. Decedent's illness, which resulted in his death, on July 22, 1967, and described as 'Auricular fibrillation', due to cardio-vascular disease, is a condition of the heart, which occurred suddenly while he was in his home, such sudden heart attack is common to decedent's age bracket. Diego Pailagao was at the age of fifty eight (58) years old (Exhibit 'D', Certificate of Death). hence, he was at an age where a sudden heart attack is very common nowadays to occur, mostly in men, whether employed or not. Considering that Pailagao was not shown to be afflicted with any illness while employed and before he died, it is assumed that the said ailment is but the result of natural progression of his advancing age and has completely nothing to do with his employment."

We find merit in the instant petition. The assailed decision of the Workmen's Compensation Commission constitutes a grave abuse of discretion and should be set aside.

The crucial issue to be resolved is whether or not decedent's illness which caused his death and was diagnosed by his attending physician as "auricular fibrillation, congestive heart failure caused by the arteriosclerotic cardiovascular disease chronic", arose out of, supervened or was aggravated by the nature of his employment and therefore compensable.

Our answer is in the affirmative. It is conceded that the deceased Diego M. Pailagao complained of the numbness of his hands on July 15, 1967 (Saturday and generally an ordinary working day among private establishments) and repeated the same complaint on the succeeding days. He readily submitted himself to medical treatment by private respondent's physician. He was even confined at the J. R. Borja Memorial Hospital in Cagayan de Oro City and treated by a pathologist, Dr. Maximo Llida. Despite all efforts to save his life, he died on July 22, 1967 of "auricular fibrillation, congestive heart failure which was caused by the arteriosclerotic cardio-vascular disease chronic."

Likewise, admitted is the fact that immediately prior to decedent's death, the late Diego M. Pailagao was for thirty (30) years in the continuous employ of private respondent. The last years of his service was that of a supervisor or foreman in the syrup department, as earlier stated. Since private respondent is engaged in the manufacture of various products, it is but logical that deceased Diego M. Pailagao during the period of his employment with private respondent had been exposed to chemical elements in respondent's factory. This in some way affected some of his vital organs and senses such as the heart, which became worse on July 15, 1967, the date he complained of numbness of his hands. Thus, there arises the presumption that decedent's illness was caused or at least supervened during his period of employment with private respondent and/or was aggravated by the nature of his work. Respondent failed to disprove such causal relation by competent evidence. The presumption that the death was due to or was aggravated by the nature of his work, remains un rebutted. In *Bihag, et al. vs. WCC and Republic of the Philippines (Bureau of Public Schools)* [G.R. No. L-43162, February 28, 1977], this Court ruled:

"x x x At the very least, therefore, the nature and condition of her work contributed to and aggravated in a large measure her ailment and entitled her to compensation under the Workmen's Compensation Act. Thus, *Lilia D. Simon versus Republic of the Philippines* (G.R. No. L-42510, June 30, 1976), citing a very recent case penned by Mr. Justice Ruperto G. Martin, held: 'x x x assuming the employee's illness may be ruled out an occupational disease or that the causal link between the nature of his employment and his ailment, has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act that the employee's illness which supervened during his employment either arose out of, or at least aggravated by said employment and with this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation. In the case before Us, the respondent has failed to discharge that burden. The mere opinion of the doctor who treated the petitioner that 'dermoid cyst' is congenital, although he admitted that it may also be aggravated by her employment, cannot prevail over the presumption of compensability.'"

In the past, guided by the fundamental principle that Workmen's Compensation Act is a social legislation designed to help the workingman and more importantly, in obedience to the social justice guarantee of the Constitution, this Court granted compensation where ailments were: chronic rheumatic arthritis (*Dimaano vs. WCC, et al., L-43553, Aug. 31, 1977*; *PROS vs. WCC, et al., L-43348, Sept. 29, 1976, 73 SCRA 92*; *Caparas vs. WCC, et al., L-42450, Sept. 30, 1976 73 SCRA 221*); migraine and dizziness (*Demetita vs. WCC, et al., L-43612, November 29, 1976, 74 SCRA 217*); and hypertension (*Molet vs. WCC, et al., G.R. L-45768, May 12, 1978*). In said cases, this Court invariably applied the rule of presumed compensability of the claim of the employee either because the ailment supervened in the course of employment or was aggravated by the nature of the work, uncontradicted by any substantial evidence.

WHEREFORE, THE DECISION OF THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION

IS HEREBY REVERSED AND SET ASIDE AND THE PRIVATE RESPONDENT PHILIPPINE PACKING CORPORATION IS HEREBY DIRECTED

I. TO PAY THE CLAIMANT, EMILIANA VDA. DE PAILAGAO

A. THE AMOUNT OF SIX THOUSAND PESOS (P6,000.00) AS DEATH COMPENSATION BENEFITS;
AND

B. THE SUM OF SIX HUNDRED PESOS (P600.00) AS ATTORNEY'S FEES;

II. TO REIMBURSE CLAIMANT FOR MEDICAL, HOSPITAL AND BURIAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS; AND

III. TO PAY THE AMOUNT OF SIXTY-ONE PESOS (P61.00) AS ADMINISTRATIVE FEES.

SO ORDERED.

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

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