

**ESTELITA VDA. DE CARDIENTE, PETITIONER, VS.
WORKMEN'S COMPENSATION COMMISSION AND THE CITY
OF BACOLOD, RESPONDENTS.**

G.R. No. L-43693. January 17, 1985

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition to review the decision of the defunct Workmen's Compensation Commission affirming the decision of the Workmen's Compensation Unit of Bacolod City which denied the claim for death benefits filed by petitioner Estelita Vda. de Cardiente.

Bonifacio Cardiente, petitioner's husband was a member of the Bacolod Police Department from 1946 up to his death on December 27, 1974. By reason of his illness diagnosed by his attending physician as "Common Bile Duct Obstruction", he stopped working on July 24, 1964 so he could be operated on. He was able to return to work in October 1964. On September 3, 1973, he filed a claim for disability benefits under the Workmen's Compensation Act, as amended, based on the sickness which required surgery.

While the claim for disability was pending, he again underwent an operation for cirrhosis of the liver on December 20, 1974. He died on December 27, 1974.

On January 14, 1975, his widow Estelita Vda. de Cardiente filed an amended claim, i.e. from the injury or sickness benefit claim filed by her husband to that of death benefit claim for herself and for and in behalf of her minor children.

The hearing officer of the Compensation Task Force of the Workmen's Compensation Unit of Bacolod City dismissed the claim on November 13, 1975, for lack of merit, reasoning out as follows:

"It may be noted from the records of the case that the deceased during his employment with the respondent was afflicted with an illness diagnosed as obstruction of the bile duct due to ascariasis which maybe considered as correlated to cirrhosis of the liver. It is however, worth to know that his kind of illness has no causal re-lation whatsoever with the nature of work of late Bonifacio Cardiente. Medical Authority considers ascariasis as a condition where the body is infested by ascaris worms and the causative factor is the indegestion (sic) of ascaris larvae. When the worms wander in the intestinal tract same may climb up the bile duct and obstruct the passage of bile causing pain and jaundice. This has definitely no relation at all to the duties of the deceased as a policeman. In effect, this is idiopathic in nature and according to the Supreme Court, this kind of illness does not fall within the provision of the Workmen's Compensation Act hence, not compensable."

Denying the motion for reconsideration filed by the petitioner, the Workmen's Compensation Commission affirmed the above decision on the ground that:

xxx xxx xxx

"The medical history of the deceased shows that he had been suffering from a hepatic obstruction primarily

due to ascariasis. Medical findings show that repeated hepatic obstruction leads to a condition of cirrhosis. Cirrhosis means the widespread fibrosis and scarring of liver tissue due to many causes such as alcohol, parasitism or infections. Hence, the late Bonifacio Cardiente having died of cirrhosis of the liver, there is no basis upon which to connect his illness to his employment. In workmen's cases it is not enough to show that the illness supervened during the employment in order to entitle the claimant to the benefits provided under the Act. It must be shown that the illness which resulted in the disability or death is so traceable to the employment. For, while it is true that a claimant may not prove his case to the point of demonstration, it is however, necessary that he should first show a causal link of the illness to the nature of the employment. In the absence thereof or failure to satisfy this requirement the claim will necessarily be denied for lack of basis upon which to sustain the compensability of the case. x x x"

The present petition assails the foregoing decision as contrary to law and applicable jurisprudence. Petitioner contends that "the respondent Workmen's Compensation Commission erred and committed a grave abuse of discretion when it disregarded vital evidence on record and affirmed the decision of the hearing officer by holding that the illness which caused the death of the deceased has no causal link to his employment and it did not consider that, at least, it was aggravated thereby."

We find the foregoing argument impressed with merit.

It should be noted that the late Bonifacio Cardiente had earlier filed for disability benefits under Act 3428, as amended, Section Two of which reads as follows:

SECTION 2. Grounds For Compensation. - When an employee suffers personal injury from any accident arising out of or in the course of his employment, or contracts tuber-culosis 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. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employer to proceed against the negligent party. (Sec. 1 of R.A. No. 772).

It is clear from the above quoted provision of the law that compensable illness or diseases are those which are: (1) directly caused by such employment; or (2) either aggravated by the employment; or (3) the result of the nature of such employment. There is no question that the illness which eventually caused Patrolman Cardiente's death was pre-existing. The record shows that he had this illness as early as 1964 when his condition was diagnosed as bile duct obstruction. The hearing officer himself correctly found that this condition "maybe considered as correlated to cirrhosis of the liver" and that "repeated hepatic obstruction leads to cirrhosis of the liver." It being easily deducible that bile duct obstruction is one form of hepatic obstruction which leads to cirrhosis of the liver, it is not unreasonable to conclude that his death from cirrhosis of the liver was in fact and in law, if not directly traceable from, was at least an aggravation of his original illness of bile duct obstruction.

As a police officer whose main duty is to patrol different areas, the deceased was forced to eat in different places away from home. This is especially true when officers of the law conduct surveillance work. They are then compelled to forego home cooked meals prepared with care and cannot be selective in the quality of the food they take. This explains why they are exposed to parasite infested meals. Ascariasis can be acquired from poorly cooked pork or improperly handled vegetables and even drinking water.

At any rate, since this claim arose under, and must be governed by, the former Workmen's Compensation Act, as amended, the presumptions established under Section 44 thereof must apply. Thus, we must hold, as we hereby rule, that since "the presumption of causal connection remains un rebutted by substantial and credible evidence, and although his work might not be the direct cause of his illness, which is liver cirrhosis, yet his working

condi-tions must have weakened his body resistance and aggravated said illness." (Arianza v. Workmen's Compensation Commission, 81 SCRA 698, 699-670)

In Abana v. Quisumbing (22 SCRA 1278, 1282), the Court stated: "while there is that possibility that factors other than the employment of the claimant may have also contributed to the aggravation of his illness, this is not a drawback to its compensability. For under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease." In another case, we stated that "mere opinions of doctors presented by the employer or that of the Commission's medical rating officer which would disconnect the employee's ailment from his employment, cannot prevail over the presumption of compensability mandated by law." (Saril v. Workmen's Compensation Commission, 84 SCRA 391, citing Jabasa v. Workmen's Compensation Commission and Atlas Consolidated Mining and Development Corp., L-43354, Cama v. Workmen's Compensation Commission and Republic of the Philippines (Bureau of Public Schools, L-43122, and Consolacion Amador v. Workmen's Compensation Commission and Far Eastern University, L-45399).

In the recent case of Villavieja v. Marinduque Mining and Industrial Corporation, et al. (G. R. No. L-43349, October 23, 1984) this Court held that:

"We only need to reiterate well-settled principles and jurisprudence to resolve the issue at hand. As early as Batangas Transportation Co. v. Vda. de Rivera, 99 Phil. 1025 in 1956 and Bohol Land Trans. Co. v. De Mandanguit, 70 Phil. 685 to Felarca v. Bookman, Inc., 127 SCRA 275 in 1984 this Court has consistently ruled 'that 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 was aggravated by said employment and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation.'"

The jurisprudence surrounding the provisions of the former Workmen's Compensation Act, as amended is clear. Since this claim falls under that Act, we cannot depart from these rules of long standing.

WHEREFORE, the decision of the respondent Workmen's Compensation Commission is hereby REVERSED and SET ASIDE. The respondent City of Bacolod is ordered to pay:

1. Six Thousand (P6,000.00) Pesos for death benefits to the petitioner;
2. Two Hundred (P200.00) Pesos burial expenses to the petitioner;
3. Six Hundred (P600.00) Pesos attorney's fees; and
4. Sixty (P60.00) Pesos administrative fees to the Ministry of Labor and Employment.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Relova, and De La Fuente, JJ., concur.

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