

EUFRACINA GARCIA, PETITIONER, VS. COMPENSATION APPEALS AND REVIEW STAFF AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-47037. December 06, 1985

Ponente: PATAJO, J.

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PATAJO, J.:

This is a petition for review on certiorari of the decision of the Workmen's Compensation Commission dismissing her claim for disability compensation for lack of merit.

Petitioner Eufracina Garcia was a classroom teacher at San Simon, Pampanga from November 7, 1937 until her retirement on February 16, 1975 at the age of 60 years. Since September 16, 1973, petitioner became absent from her work often because she contracted pulmonary tuberculosis minimal (PTB) and arteriosclerotic heart disease. Her ailment worsened. On March 6, 1974 her doctor advised her against strenuous physical and mental exertions. On February 16, 1975 she finally resigned.

After her retirement, petitioner filed a claim for disability compensation benefit alleging that she contracted arteriosclerotic heart disease and pulmonary tuberculosis minimal in the course of, and aggravated by, her employment which disabled her to work.

Acting Referee Rodolfo M. Santos of the Workmen's Compensation Section rendered a decision on October 11, 1975 finding the disability of petitioner as "work connected" and ordered the Bureau of Public Schools to pay petitioner the amount of P1,104.08 as partial disability compensation for the period of 160 days, during which period she had been disabled for work.

Petitioner appealed said decision to the Workmen's Compensation Commission. In her appeal petitioner contended that she is entitled to the maximum compensation benefit of P6,000.00 instead of only P1,104.00. However, in its decision dated January 7, 1976, the Workmen's Compensation Commission set aside the acting referee's decision holding that arteriosclerotic heart disease and pulmonary tuberculosis were not work connected so as to entitle petitioner to disability benefit. The Secretary of Labor in an order dated July 20, 1977 affirmed the decision of the Workmen's Compensation Commission.

Hence, the present petition for review.

There is no question that when petitioner served as a public school teacher on November 7, 1937, she was perfectly in good health. It was during and in the course of petitioner's employment that she felt the symptoms of her ailments. It was also during her employment when she suffered arteriosclerotic heart disease and pulmonary tuberculosis which were the principal cause of her permanent disability forcing her to resign before reaching the retirement age of 65 years. At the very least, the nature and condition of her work contributed to and aggravated in a large measure her ailments. (*Bihag vs. Workmen's Compensation Commission*, 75 SCRA 357).

Under the law, it is not required that the employment be the sole factor in the growth, development or acceleration

of petitioner's illness to entitle her to the benefits provided for. It is enough that her employment had contributed even in a small degree, to the development of the disease. (*Abana vs. Quisumbing*, 22 SCRA 1278). Under the provisions of Section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that petitioner's illness which supervened at the time of her employment, either arose or was at least aggravated by said employment. It is then the duty of the employer to overcome this presumption. (*Galang vs. WCC*, 72 SCRA 454; *Abana vs. Quisumbing*, supra; *Felarca vs. Bookman, Incorporated*, 127 SCRA 275).

Arteriosclerosis, one of petitioner's ailments, like most other forms of heart disease, is progressive in nature, and its symptoms are likely to appear suddenly after a long period of non-disabling, and possibly unknown, build up (*McNiece, Heart Disease and the Law*, p. 6). In this jurisdiction, it is well settled that heart diseases are compensable. Thus, in *De Castro vs. Republic*, 75 SCRA 372, 380, where the petitioner therein was also a school teacher who died of heart failure, the Court held:

"xxx Her heart disease was incurred in the course of her employment and was aggravated by the strenuous work of teaching school children of tender age. In a number of cases decided in the year 1976 this Court upheld the compensability of heart failure of an employee. In *Talip vs. Workmen's Commission*, L-42574, May 31, 1976, the deceased employee died of 'massive myocardial infection' while asleep in his home (per *Teehankee, J.*). In *Catibog vs. WCC and Republic of the Philippines*, L-43416, December 8, 1976, the employee was sick and died of "hypertensive heart disease with left ventricular hypertrophy hypercholesterolemia, ang-ina pectoris" (per *Makasiar, J.*). In *Caparas vs. WCC*, L-42950, September 30, 1976, the employee suffered from 'hyperthyroid heart disease and rheumatoid arthritis' (per *Martin, J.*) In *Leorna vs. Workmen's Compensation Commission*, L-42943, September 30, 1976, the laborer concerned died of rheumatism with heart complication (per *Makasiar, J.*)."

Likewise, in *Ybañez vs. WCC*, 77 SCRA 501, 504, it has been held that pulmonary tuberculosis (PTB) is "service connected" and therefore compensable (*De los Santos vs. WCC*, 120 SCRA 730).

In the present case petitioner was entitled not merely to partial disability but to full compensation. She was forced to retire because her illness rendered her incapable of teaching (*Gonzaga vs. Employee's Compensation Commission*, 127 SCRA 443, 452, citing *Landicho vs. WCC*, 89 SCRA 150; *Marcelino vs. 7-Up Bottling Co.*, 47 SCRA 343). In *Gonzaga vs. ECC*, supra, the Court further held that:

"When an employee is forced to ask for retirement ahead of schedule, not because of old age, but primarily of his weakened bodily condition due to illness contracted in the course of her employment, she should be given compensation for her inability to work during the remaining days before her scheduled retirement, aside from the benefits received by her." (Citing *Villaflor vs. Republic of the Philippines*, 98 SCRA 383 (1980); *Almaiz vs. WCC*, 85 SCRA 144 (1978); *Marcelino vs. 7-up Bottling Co. of the Philippines*, supra.)

Finally, this Court feels that to deny permanent total disability benefits to herein petitioner, a school teacher for 38 years of dedicated service, who was forced to retire due to illness contracted in the course of her employment, would render inutile and meaningless the social justice precept guaranteed by the Constitution (*Gonzaga vs. ECC*, supra, citing *Abadiano vs. GSIS*, 111 SCRA 509; *Cenabre vs. ECC*, 97 SCRA 338).

WHEREFORE, the decision of the respondent Workmen's Compensation Commission is hereby SET ASIDE and respondent Bureau of Public Schools is hereby ordered to pay claimant Eufracina Garcia the sum of Six Thousand Pesos (P6,000.00) as disability compensation, and Six Hundred Pesos (P600.00) as attorney's fees, and to pay administrative fee of Sixty-One Pesos (P61.00).

SO ORDERED.

Teehankee, (Chairman), Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

Melencio-Herrera and Relova, JJ., no part.

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