

G.B. FRANCISCO, INC., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND ALEJANDRO URDAS, RESPONDENTS.

G.R. No. L-42565. November 21, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

In this petition, G. B. Francisco, Inc. seeks to set aside an award of the Workmen's Compensation Commission dated December 30, 1975 in RO4-WCU Case No. 165138 granting to Alejandro Urdas disability compensation benefits in the maximum amount of P6,000 and attorney's fee of P600. Petitioner was ordered further to pay the corresponding administrative fee.[1]

G.B. Francisco, Inc. now submits the following assigned errors:

I

"That the Honorable Workmen's Compensation Commission erred in holding that the claimant, Alejandro Urdas, was a former employee of petitioner, G. B. Francisco, Inc.;

II

"That the Honorable Commission erred in reversing the findings of facts of the Hearing Officer, Acting Referee Estratonico S. Añano, who ordered the dismissal of RO4-WCU case no. 165138, entitled Alejandro Urdas, claimant, versus, G.B. Francisco, Inc., respondent;

III

"That the Honorable Commission erred in holding that the claimant's illness supervened in the course of his employment;

IV

"That the Honorable Commission erred in not giving petitioner an opportunity to present its own evidence, thus depriving it of its day in court." (pp. 12 - 13, rollo)

We gave due course to this petition to inquire into the veracity of petitioner's submittal that the decision under review was rendered without due process of law and for this purpose We caused the records of respondent Commission to be elevated for examination.

The records of the Commission show that Alejandro Urdas filed with Regional Office 4 of the Department of Labor a notice of sickness and claim for compensation dated March 10, 1975, which was docketed as Case No. 165138 wherein he alleged that he was a painter of G. B. Francisco, Inc. with a daily wage of P4.50 from February 5, 1966 to January 16, 1967; in the course of his employment, more particularly on January 15, 1967, he was examined by Dr. Remigio Reyes of the Central Luzon Sanitarium and was found to have contracted "Hansen's Disease" or leprosy in layman's parlance, and on January 16, 1967 he had to stop working by reason of said sickness.[2] In his claim, claimant gave the Central Luzon Sanitarium, Tala, Caloocan City, as his address wherein he had been confined since then.

In a report filed and received by Regional Office 4 on March 24, 1975, Dr. Remigio B. Reyes, attending physician, certified that claimant Urdas was confined at the Tala Leprosarium due to "mycobacterium leprae" which was directly caused by claimant's employment and in pursuance of his work,[3] and which resulted in his disability to continue with his employment.

On July 15, 1975, the Workmen's Compensation Section through its Acting Chief of Section served a copy of the claim for compensation to the Manager of G. B. Francisco, Inc.[4] and on August 7, 1975, the employer corporation through its lawyers, Bausa, Ampil & Suarez Law Office, sent a letter stating that "said claimant is not and has never been employed with them, for which reason, they are not in a position to controvert the notice of injury or sickness and claim for compensation filed by the said Alejandro P. Urdas with your office." [5]

Claimant Urdas executed an affidavit on September 25, 1975, wherein he alleged that "when he entered the employ of G. B. Francisco, Inc. as a painter he was found to be healthy and physically fit for work and it was several weeks before he stopped working that he felt the symptoms of his illness." Together with this affidavit he submitted a pay envelope to prove that he received his pay from G. B. Francisco, Inc.[6]

On October 22, 1975, Team Leader and Acting Referee Estratonico S. Año issued an Order dismissing the claim of Alejandro Urdas on the ground that there was no substantial proof that claimant was employed with the corporation and that "even granting that he worked with the respondent, we do not find any reasonable connection between the claimant's illness diagnosed as 'Hansen's Disease' with his employment."

On December 10, 1975, claimant through his new counsel Ricardo M. Perez filed with Regional Office 4 a motion for reconsideration on the following grounds:

"I. That the Honorable Hearing Referee erred in not finding that claimant was a former employee of the respondent;

"II. That the Honorable Hearing Referee erred in not finding that claimant's illness supervened in the course of his employment;

"III. That the Honorable Hearing Referee erred in not resolving doubt as to the compensability of the instant

case in favor of the claimant." (p. 19, WCC record.)

Danilo Reynante, Assistant Chief of Regional Office 4, in an Order dated December 16, 1975, denied claimant's Motion for reconsideration but nevertheless elevated the entire records of the case to the Workmen's Compensation Commission for review.[7]

A decision was rendered by the Commission on December 30, 1975, reversing the order of dismissal of the Acting Referee and granting the claimant the total amount of Six Thousand Pesos as disability compensation. The Commission held that:

"x x x The record clearly shows that claimant was paid by respondent thru 'pay envelopes,' a xerox copy of one of them is hereto attached as part of the records of this case being ANNEX 'A' and forms part of claimant's evidence. To believe in respondent's posture that it is not the employer by a simple allegation without any corresponding documentary or credible proof, then it would be so easy and simple for any employer to deny having employed any worker and thus easily escape paying its liability without even lifting a finger, so to speak.

"With respect to the compensability of the instant claim, there is likewise no doubt that this falls within the ambit of the Compensation Act as his illness had supervened at the time of employment and thus presumed to arose out of and in the course of employment or was aggravated thereby and the further fact that his attending physician, Dr. Remegio B. Reyes, had likewise declared and found that claimant's illness was due to and in pursuance of his work with respondent, and that it was aggravated thereby, the merit of this case is now beyond challenge. Furthermore, the failure of the respondent to file a timely and valid controversion is tantamount to making the presumption conclusive. Finally, if ever there may be doubt as to the compensability of this case, the same is resolved in favor of the claimant to serve better the ends of social justice in this enlightened era of a compassionate society." (pp. 12-13, WCC record; italics supplied)

Hence, this petition for review filed by G. B. Francisco, Inc.

1. Petitioner alleges that claimant was not and had never been employed by it and that "the submission of xerox copies of alleged 'pay envelope' does not constitute sufficient and competent evidence to establish a presumption of the existence of an employer-employee relationship." [8]

Contrary to these allegations, respondent Commission, however, found from the evidence adduced that Alejandro Urdas did work with petitioner. It is significant that the corporation chose not to present any evidence to disprove that fact and consequently claimant's evidence stands un rebutted. This is clear from the Commission's findings.

The assertion of petitioner that it was not given opportunity to present its evidence is not correct. Both parties were notified of the hearing. Only the claimant submitted his proof. Petitioner thereby waived its right to present its evidence at that hearing and it was too late for the case to be reopened at the stage of the appeal before the Commission.

Findings of fact of the Commission are as a rule binding on this Court. Thus, in the case of Abong vs. Workmen's Compensation Commission, et al., where eight persons including two minors who were members of a fishing outfit, the "IWAG," owned by the petitioner here, Dr. Agustino R. Abong, drowned while fishing at sea somewhere off the coast of Northern Negros, the Court through then Justice Salvador Esguerra ruled that:

“ x x x this case is an appeal from the decision of the Workmen's Compensation Commission. And in this class of proceedings, only questions of law should be raised, the findings of facts made by the Commission being conclusive and binding upon this Court. Although this Court is authorized to inquire into the facts, it only does so when the conclusions therefrom are not supported by the evidence. In the case at bar, however, this Court finds the findings of fact made by Associate (Medical) Commissioner Herminia Castelo-Sotto, M.D., and concurred in by the Commission en banc to be fully supported by the evidence on record which clearly points out that petitioner Agustino R. Abong is the statutory employer of the decedents x x x.”

xxx xxx xxx

“ x x x It is well-settled that employer-employee relationship involves findings of fact which are conclusive and binding and not subject to review by this Court.”[9]

2. The second point set forth in this petition is on the lack of timeliness of the filing of the claim.

Petitioner asserts that claimant Urdas filed his claim for compensation way beyond the 2-month period after the date of the injury or sickness required in Sec. 24 of the Workmen's Compensation Act for although Urdas allegedly contracted his illness on January 15, 1967, it was only on March 24, 1975, or after more than eight years that claimant filed his claim for compensation. Petitioner further asserts that "the only statutory excuse for a late claim is the making by the employer of compensation payments, in part and in full, and since in the case at bar, no such payments were proven to have been made by the employer, the award by the Commission despite of the late claim is not warranted by law.”[10]

Perforce, petitioner's argument cannot stand on the basis of the ruling of this Court that the failure to file the claim within the period provided in the aforementioned Sec. 24 does not affect the jurisdiction of the Commission to entertain said claim, and that compensation under the Workmen's Compensation Act as amended is a liability vested by statute which prescribes in ten years pursuant to Article 1144 (2) of the Civil Code.[11]

3. One last argument of petitioner is that leprosy known as "Hansen's Disease" is not an occupational ailment and has no connection with claimant's work as a painter.

The Workmen's Compensation Act which governs the present situation expressly provides in its Section 44 that in the absence of substantial evidence to the contrary it is presumed that a claim comes within the provisions of this Act. Time and again this Court stated that under this declaration of a benign and sound public policy, an employee is freed from the burden of proving that his illness or injury was caused or aggravated by the nature of his work. In fact, the cause of the ailment is immaterial; what is important is that it occurred or was aggravated in the course of employment and disabled the workman from pursuing his ordinary occupation.

In the case of National Power Corporation vs. Workmen's Compensation Commission, et al., the Court speaking through then Justice Felix Bautista Angelo, ruled that:

“ x x x while as a rule ulcer is not an occupational disease as it is not inherent in the nature of the work of the deceased, the same was however seriously aggravated by the irregularity in which it was performed when he often missed his meals and on emergency occasions he had to work overtime thereby causing pain or spasm in his stomach. There is no evidence that he had that disease when he entered petitioner's service in 1951, but he began feeling its symptoms since 1955, and from that time on it aggravated until he died in 1956 notwithstanding the medical treatment extended to him by the employer's physician x x x.

x x x This sickness which was contracted in the course of employment and was aggravated because of the irregular and intemperate nature of the work which the deceased had to perform because of the needs of the service imposed upon him is compensable within the purview of the law as found by the respondent Commission."^[12]

In *Manila Railroad Company vs. Workmen's Compensation Commission, et al.*, the Court held:

"While it is true that 'lobar pneumonia' is directly caused by the virus known as 'pneumococcus', and as such is not occupational disease, it cannot however be denied that the sickness which brought the deceased to his grave was contracted in the course of his employment x x x."^[13]

To stress the variety of illnesses resulting in disability for labor which the Court held to be compensable even in the absence of proof of the cause of the illness or of its being work-connected, in *National Housing Corporation vs. Workmen's Compensation Commission, et al.*, 1977, 79 SCRA 281, We enumerated those ailments and We here repeat them: "chronic rheumatic arthritis,^[14] intestinal amoebiasis,^[15] post eclampsia in a pregnant woman,^[16] frontal sinusitis,^[17] hernia,^[18] carcinoma of the nasal pharynx,^[19] amoebic liver abscess^[20] optic neuritis, migraine and dizziness,^[21] malignant stomach tumor,^[22] rheumatism,^[23] nervous depression leading to neurosis and psychoasthenia,^[24] "bangungot",^[25] cirrhosis of the liver,^[26] dermoid cyst,^[27] cerebral brain tumor,^[28] chronic mononeuritis,^[29] cancer of the liver,^[30] and gastric ulcer."^[31]

Turning to the unfortunate situation now before Us, there is no valid reason for discounting leprosy, one of the most dreaded diseases there is, from the above enumeration. All that We have is the bare assertion in the pleadings of petitioner that leprosy is not compensable. Against that assertion, however, as found by respondent Commission, is the certification of the attending physician appearing in the record that the disease of Urdas was caused in the course of and in pursuance of his employment.^[32] This is understandable considering that Urdas did painting jobs for G.B. Francisco, Inc. in the latter's realty business in the course of which he was exposed to chemicals, dust, heat, and other environmental factors of air pollution and the like, all of which could have caused or aggravated the leprosy which afflicted him.

IN VIEW OF THE FOREGOING, We hereby affirm the decision of respondent Workmen's Compensation Commission. There being nothing in the record to show that the extent of the illness has permanently and totally incapacitated claimant from work, We direct petitioner company, G. B. Francisco, Inc., to furnish Alejandro Urdas with such services, appliances & supplies as the nature of his disability and the process of his recovery may require at the Tala Leprosarium if still confined.

With costs against petitioner.

SO ORDERED.

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

Makasiar, J., concurs in a separate opinion.

[1] pp. 30 - 32, rollo.

[2] p. 32, WCC record.

[3] p. 35, *ibid.*

[4] p. 30, *ibid.*

[5] p. 29, *ibid.*

[6] p. 26, *ibid.*

[7] p. 15, *ibid.*

[8] p. 14, *rollo.*

[9] pp. 385-386, 387, 54 SCRA 379. See also *Bernardo vs. Pascual*, 109 Phil. 936, 939; *Alatco Transp., Inc. vs. WCC, et al.*, 42 SCRA 391; *Abaya Plumbing vs. WCC, et al.*, 61 SCRA 257.

[10] pp. 17 - 18, *rollo.*

[11] *Vallo vs. WCC, et al.*, 73 SCRA 623, citing *Manila Railroad Co. vs. Perez & WCC*, 14 SCRA 504. See also the following: *Magpantay vs. WCC*, 73 SCRA 533; *Baterna vs. WCC, et al.*, 75 SCRA 409; *Guevarra vs. Republic*, 77 SCRA 292; *Caling vs. WCC, et al.*, 77 SCRA 309; *Ybañez vs. WCC, et al.*, 77 SCRA 501; *Romero vs. WCC, et al.*, 77 SCRA 482; *Cañonero vs. WCC, et al.*, 81 SCRA 712.

[12] 13 SCRA 116, 118-119.

[13] 10 SCRA 41; underline supplied

[14] *Dimaano vs. WCC, et al.*, 78 SCRA 506; *Pros vs. WCC, et al.*, 73 SCRA 92; *Caparas vs. WCC, et al.*, 73 SCRA 221.

[15] *Morales vs. WCC, et al.*, 76 SCRA 239.

[16] *Francisco vs. WCC, et al.*, 76 SCRA 492.

[17] *Despe vs. WCC, et al.*, 75 SCRA 350.

[18] *Santos vs. WCC, et al.*, 75 SCRA 364.

[19] *Bihag vs. WCC, et al.*, 75 SCRA 357.

[20] *Marapo vs. Phil. Packing Corp.*, 75 SCRA 188.

[21] *Dometita vs. WCC, et al.*, 74 SCRA 217.

[22] *Vda. de Laron vs. WCC, et al.*, 73 SCRA 84.

[23] *Vda. de Leorna vs. WCC, et al.*, 73 SCRA 228; *Martinez vs. WCC, et al.*, 73 SCRA 271.

[24] *Camarillo vs. WCC, et al.*, 73 SCRA 497.

[25] *Vda. de Galler vs. WCC, et al.*, 75 SCRA 336.

[26] *Mercado vs. WCC, et al.*, 72 SCRA 260.

[27] *Simon vs. Republic*, 71 SCRA 643.

[28] *Manila Electric Co. vs. WCC, et al.*, 39 SCRA 669; *Uy vs. WCC, et al.*, 64 SCRA 37.

[29] *Philippine Graphic Arts vs. Mariano*, 53 SCRA 409.

[30] *Maria Cristina Fertilizer vs. WCC, et al.*, 60 SCRA 228.

[31] *National Power Corp. vs. WCC*, 13 SCRA 116; *Vicente Galang vs. WCC, et al.*, 72 SCRA 455.

[32] p. 35, WCC record.

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to continuously provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 185 of the New Labor Code confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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