

## **INDUSTRIAL TEXTILE MANUFACTURING COMPANY OF THE PHILIPPINES, PETITIONER, VS. SOFIA REYES FLORZO AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.**

*G.R. No. L-21969. August 31, 1966*

Ponente: SANCHEZ, J.

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### **SANCHEZ, J.:**

Claim for death benefits. Claimant is respondent Sofia Reyes Florzo. Deceased was her son, Ricardo Florzo. Employer of the deceased was petitioner Itemcop. The Workmen's Compensation Commission ordered Itemcop to pay claimant P2,296.32 as compensation benefit, P60.00 for medical, and P200.00 for burial, expenses, and P172.22 as attorneys' fees. Itemcop was further ordered to pay P23.00 for the Workmen's Compensation Fund and P5.00 for review fee. [2]Itemcop appealed.

Ricardo Florzo was Itemcop's employee for a little less than 4 years up to March 20, 1960 when he died at the age of 25.

He was a beam carrier. Primarily, his job was to replace empty loom beams attached to weaving machines with fully loaded ones. An empty beam weighs from 15 to 30 kilos. During an 8-hour period, about 20 to 30 beams are substituted on a total of 406 machines. Ricardo worked 8 hours a day, 6 days a week.

Florzo fell ill on March 5, 1960. He did not report for work. Dr. Alfonso Ayesa, Itemcop physician, diagnosed his ailment to be "Thrombocytopenic purpura, idiopathic". This means a diminution of blood cells. "Idiopathic" signifies that the cause of the disease is unknown. Later on the deceased was discovered to be suffering from "cerebral hemorrhage, secondary to blood dyscrasia; anemia, secondary to hemorrhage, secondary to blood dyscrasia".

On March 14, 1960, half of Florzo's body became paralyzed. He was taken to the Lourdes Hospital. Six days later, i. e., on March 20, 1960, as aforesaid, he died. The autopsy on Florzo's body was conducted by Dr. Pedro P. Solis, supervisor, medico-legal office, National Bureau of Investigation. Cause of death, according to the medico-legal necropsy report, is - "anemia, severe, secondary to hemorrhagic gastric ulcer".

On May 3, 1961, respondent Sofia Reyes Florzo lodged with Regional Office No. 4, Department of Labor, notice of injury and claim for compensation. Thereafter, Itemcop filed the employer's report of accident or sickness and the physician's report of sickness or accident, both dated May 23, 1961.

1. Petitioner Itemcop takes the position that the Director of Workmen's Compensation cannot exercise jurisdiction to review and decide compensation cases on appeal from regional offices. Its reason is that the authority granted said director under Reorganization Plan 20-A clashes with Section 46 of the Workmen's Compensation Act, which reads:

“SEC. 46. Jurisdiction. - The Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the

Supreme Court, in the same manner and in the same period as provided by law and by rules of court for appeal from the court of Industrial Relations to the Supreme Court."

Pursuant to Reorganization Plan 20-A, the Director of Workmen's Compensation is member and ex-officio chairman of the Workmen's Compensation Commission. Plan 20-A, in turn, was adopted by the Government Survey and Reorganization Commission organized by authority of Republic Act 997, [3] as amended by Republic Act 1241. Said Republic Act 997, as thus amended, granted to said commission the following powers:

"(1) to group, coordinate or consolidate departments bureaus, offices, agencies, instrumentalities and functions of government;

(2) to abolish departments, offices, agencies, or functions which may not be necessary or create those which may be necessary for the efficient conduct of the government service, activities and functions;

(3) to eliminate overlapping and complication of service, activities and functions of the government;

(4) to transfer functions, appropriations, equipment, property, records and personnel, from one department, bureau, office, agency or instrumentality to another;

(5) to create, classify, combine, split or abolish positions;

(6) to standardize salaries, materials and equipment; and

(7) to do whatever is necessary and desirable to effect economy and promote efficiency in the government;" [4]

Clear then is the grant by Congress to the Government Survey and Reorganization Commission the authority to abolish, create, and transfer functions and positions. The authorization thus granted by Congress is valid. In comparable situation, the authority given the President of the Philippines "to make reforms and changes in government-controlled corporations" was sustained-as not "an undue delegation of legislative power". [5]

Here is the situation now before us. Instead of one Commissioner (with a Deputy [6] to take his place), three commissioners were created under the plan. [7] The powers of the commissioner under Section 46 of the Workmen's Compensation Act and those of the three commissioners under the Reorganization Plan are the same. There was merely a reallocation of "powers already possessed". There was "no assumption of powers not previously vested". There was no violation of the specific authority given the Government Survey and Reorganization Commission and Republic Act 997. We therefore rule that the authority of the Director of Workmen's Compensation, as ex-officio chairman of the Workmen's Compensation Commission, to decide appealed cases brought up from regional offices is valid and binding. [8]

2. Planted upon Section 24 of the Workmen's Compensation Act, is petitioner's averment that both the notice of sickness and the claim for compensation were filed beyond the statutory limits. Because death occurred on March 20, 1960, whereas said notice and claim were lodged on May 3, 1961. And Section 24 requires that such notice be made as soon as possible and said claim be filed in three months following death.

The issue raised offers no area for genuine dispute. The recorded facts constitute a roadblock to petitioner's claim. First, petitioner had actual knowledge of the sickness and death. This fact is admitted in its employer's report of injury or sickness dated May 23, 1961. [9] There, the date of sickness was placed as March 4, 1960, the date of disability as March 5, 1960, the date of actual knowledge of such sickness by petitioner, March 5, 1960, and the date of death as March 20, 1960. By explicit articulation in Section 27 of the Workmen's Compensation Act, "Failure to [give], or delay in giving notice shall not be a bar to the proceeding x x x if it is shown that the employer, his agent or representative had knowledge of the accident x x x". [10] Second, petitioner failed to file its employer's report of injury or sickness under Section 37 of the Workmen's Compensation Act "as soon as

possible after the occurrence of an injury resulting in absence from work for a day or more" or soon after the death of the employee. Neither did it controvert - under Section 45 of the said Act - the right to compensation by reason of such death "on or before the fourteenth day after disability or within ten days after he has knowledge of the alleged accident". Said petitioner only challenged the right to compensation after respondent mother of the deceased filed her claim for compensation. Guilty itself of laches - and to a greater degree - petitioner cannot be heard now to set up the laches of the other party as a defense to the latter's claim for compensation. [11] Indeed, petitioner's failure to so controvert, without giving any cause or reason therefor, by the terms of the statute, constitutes "a renunciation of his right" to challenge the claim. [12]

3. Is employee Florzo's death compensable? Florzo suffered bleeding in the stomach. Dr. Pedro P. Solis explained that "even if the stomach is not empty, the frequent stress brought about by lifting heavy objects x x x might produce an ulcer in the stomach, and this is known in medicine as stress ulcer". Further, the effect of continuous work on a person with a stomach ulcer, so Dr. Solis added, is that "It will aggravate the diseased condition of the stomach, and most likely, it may produce hemorrhage which could be 'uncontrollable, or controllable'". [13] There is then reason to believe, as the Commission observes, that "the continuous exertion of carrying heavy beams during his (deceased's) employment gradually, if imperceptibly, resulted to his illness causing paralyzation of half of his body and ultimately his death". [14]

At any rate, the law presumes, in the absence of substantial evidence to the contrary, that the claim is compensable. [15] The burden to disconnect, by substantial evidence, the injury or sickness from employment, is laid at the employer's door. [16] Petitioner failed to discharge this burden. So rigid is the rule that even where the cause of the employee's death is unknown - as petitioner claims - the right to compensation subsists. [17] Reason for this is that the Workmen's Compensation Act is a social legislation; it is designed to give relief to the workman; therefore, to effectuate its purpose, it must be liberally construed. [18]

Conformably to the foregoing, we vote to affirm the judgment under review. Costs against petitioner.

### **SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Makalintal, Bengzon, J.P., Zaldivar, and Ruiz Castro, JJ., concur.  
Regala, J., no part.

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[1] Hereinafter referred to as Itemcop.

[2] Section 55, Workmen's Compensation Act.

[3] Known as the "Reorganization Act of 1954".

[4] Emphasis supplied

[5] *Cervantes vs. Auditor General*, 91 Phil. 359, 364.

[6] Section 7-A, Workmen's Compensation Act.

[7] Pursuant to Section 4, Republic Act 4119, the provisions of the Reorganization Plan 20-A, increasing the number of commissioners from one to three, were formally adopted into law. Under Republic Act 4596, a fourth commissioner known as the medical commissioner has been added.

[8] *San Miguel Brewery, Inc. vs. Sobremesana, et al.*, L-18730, September 16, 1961.

[9] Annex B of the petition, Record, p. 15.

[10] Pangasinan Transportation Co. vs. Workmen's Compensation Commission, et al., L-16490, June 29, 1963.

[11] National Power Corporation vs. Aguirre, et al., L-19863, April 29, 1964; Manila Railroad Company vs. Workmen's Compensation Commission, et al., L-19773, May 30, 1964; National Power Corporation vs. Workmen's Compensation Commission, et al., L-19843, January 30, 1965; National Development Company vs. Workmen's Compensation Commission, et al., L-20504, March 31, 1965; Manila Railroad Company vs. Manalang, et al., L-20845, November 29, 1965.

[12] Second paragraph, Section 45, Workmen's Compensation Act.

[13] Decision of the Commission; record, p. 42.

[14] Decision of the Commission; record, p. 43.

[15] Section 44 (1), Workmen's Compensation Act.

[16] Naira vs. Workmen's Compensation Commission, et al., L-18066, October 30, 1962; Agustin vs. Workmen's Compensation Commission, et al., 19957, September 29, 1964; Vda. de Acosta, et al., vs. Workmen's Compensation Commission, et al., L-19772, October 31, 1964, citing Blue Bar Coconut Co., et al., vs. Boo, 53 O.G. 3471, 3474.

[17] Batangas Transportation Co. vs. Rivera, et al., L-7658, May 8, 1956.

[18] Vicente vs. Workmen's Compensation Commission, et al., L-18241, December 27, 1963. See also: Madrigal Shipping Co. vs. Melad, et al., L-17362, L-17367-69, February 28, 1963; Batangas Transportation Co. vs. Perez, et al., L-19522, August 31, 1964.

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