

MELITONA GERSALINO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-43664. July 02, 1990

Ponente: BIDIN, J.

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BIDIN, J.:

This is a petition for review on certiorari seeking to set aside the decision of the Workmen's Compensation Commission which affirmed the order of the Department of Labor dismissing the claim of petitioner for compensation benefits under the Workmen's Compensation Act, as amended.

Petitioner is a public school teacher assigned at Kabankalan, Negros Occidental since 1962. On April 14, 1971, she filed a claim for disability compensation benefit with the Regional Office of the Department of Labor for rheumatoid arthritis which was allegedly caused by prolonged standing and other physical stress arising from classroom duties.

In an order dated November 20, 1975, the regional office of the Department of Labor dismissed petitioner's claim on the ground that "only those illness (sic) which affect the earning power of the employee and deprive him of his livelihood are compensable. In other words, as long as an employee is able to continue working and receives his pay, he is not entitled to compensation." (Rollo, p. 8). Petitioner's claim for reimbursement of medical expenses, being ancillary to the compensation claim, was also dismissed.

On December 20, 1975, petitioner filed a motion for reconsideration of the aforementioned Order but the same was denied. Thereafter, the case was elevated to the respondent Commission for review.

On January 30, 1976, respondent Commission rendered a decision dismissing petitioner's claim for lack of merit. Hence, the present action.

On December 6, 1989, the Court's Second Division referred the instant case to this Division (Rollo, p. 65).

The sole issue in the case at bar is whether petitioner's ailment is compensable under the Workmen's Compensation Act, as amended.

We rule in the affirmative. Rheumatoid arthritis is an occupational disease of public school teachers normally associated with the nature and character of their occupation (*Meñez v. Employees' Compensation Commission* 97 SCRA 87 [1980]; *Dimaano v. Workmen's Compensation Commission*, 78 SCRA 510 [1977]). Moreover, it is not disputed that petitioner's illness supervened as a result of, and aggravated by, the nature of her employment. Thus, the legal presumption of compensability arises (Sec. 44, Workmen's Compensation Act, as amended) and the burden of proof shifts to the employer to show otherwise (*Cayaba v. Workmen's Compensation Commission*, 102 SCRA 346 [1981]; *Guevarra v. Republic*, 77 SCRA 292 [1977]; *Buyco v. Secretary of Labor*, 145 SCRA 361 [1986] and cases cited). In the case at bar, respondent Commission offered no evidence to controvert the illness of petitioner as shown by the physician's report (Rollo, p. 16) save its bare pronouncement that rheumatoid arthritis

is not compensable.

However, in view of the factual finding of respondent Commission that in all of petitioner's sick leaves, petitioner was paid in full of all her salaries during the period of her leave of absence, compensation benefits would be unavailing. This is so because:

“Workmen’s compensation refers to liability for compensation for loss resulting from injury, disability or death of the workingman through industrial accident or disease. It is based on incapacity or disability for work, and hence on the loss or impairment of the employee’s earning capacity in the employment at which he was engaged when injured, the compensation payments being in lieu of wages or based on the loss thereof and on the idea of providing means of subsistence to the employees during the time when his earning capacity has been partially or entirely destroyed. In other words, as long as the employee is able to work and receives his pay even if he is suffering from illness, he is not entitled to compensation (*Central Azucarera Don Pedro v. de Leon*, 101 Phil. 1141 [1959]); *Lombo v. Standard Cigarette Manufacturing Co.*, 58 SCRA 750 [1974]).

Nevertheless, inasmuch as Section 13 of Workmen’s Compensation Act, as amended, requires the employer to defray the medical and hospital expenses for ailments compensable under the law, petitioner is therefore entitled to reimbursement of expenses incurred in curing his injury.

PREMISES CONSIDERED, the decision under review is hereby SET ASIDE and respondent Commission (now Employees’ Compensation Commission) is hereby ordered to reimburse petitioner of her medical and hospital expenses duly supported by receipts submitted during the hearing, with legal interest thereon from April 14, 1971 until full payment thereof.

SO ORDERED.

Feliciano and Cortes, JJ., concur.

Fernan, C.J., on leave.

Gutierrez, J., No part, then Acting Solicitor General who filed Comment on the petition.

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