

NORENA TORTAL, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND RODOLFO GAMBOA, RESPONDENTS.

G.R. No. L-43663. August 17, 1983

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3da403b8a253/>

GUTIERREZ, JR., J.:

In this petition for review, the petitioner seeks the reversal of the Workmen's Compensation Commission decision which affirmed the dismissal by the labor referee of her claim for death compensation.

The petitioner's son, Eduardo Tortal, was a farm laborer of Hacienda Celina at E.B. Magalona, Negros Occidental since 1972 up to the time of his death on August 2, 1973. At the time of his death, he was earning a daily wage of P8.00. The cause of death is stated in the death certificate as "hypertension cerebral."

On September 12, 1973, the petitioner filed a notice and claim for death compensation with the Workmen's Compensation Commission, Sub-Regional Office No. VII at Bacolod City.

On September 18, 1973, the sub-regional office furnished the private respondent, by registered mail, a copy of the notice and claim for death compensation as well as a blank form of the employer's report of accident or sickness for him to accomplish but these were returned to the sender as "unclaimed." However, on March 8, 1974, the private respondent submitted his employer's report controverting the cause of death as neither service incurred nor service aggravated.

The case was set for hearing on July 16, 1974, but on the day of the hearing both parties failed to appear.

After the parties submitted their respective memoranda, the referee of the sub-regional office dismissed the claim for lack of merit. After denying the petitioner's motion for reconsideration, the referee elevated the case to the Workmen's Compensation Commission for review. The affirmance of the decision by the latter office prompted the petitioner to file the present petition.

The Workmen's Compensation Commission in affirming the dismissal of the claim ruled that "(t)here is no dispute that Eduardo Tortal died due to 'Hypertension, Cerebral' on September 25, 1975 (should be August 2, 1973). However, the herein claimant failed to establish (sic) by substantial evidence the causal connection between the deceased's illness and his work as laborer of respondent."

The late Eduardo Tortal died in 1973. Benefits based on his death are, therefore, governed by the former Workmen's Compensation Act or Act 3428 as amended. Because of the decisions interpreting the provisions of the old law on presumption of compensability and the effects of non-controversion, we are constrained to grant the petition and to reverse the questioned decision. In the case of *Salangit v. Workmen's Compensation* (90 SCRA 228) we ruled that:

"x x x - The record discloses that the illness of Juan Salangit, petitioner herein, supervened during his

employment with the Republic of the Philippines (Bureau of Public Highways). Hence, there is a disputable presumption that the claim is compensable. The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable." (*Balanga v. Workmen's Compensation Commission*, 83 SCRA 721) [Emphasis supplied]

This rule was reiterated in the case of *Enrique, Sr. v. Republic*, (93 SCRA 836) where this Court held:

"x x x it can be correctly said that petitioner's hypertension supervened in the course of his employment, and in accordance with the aforementioned Section 44(1) in relation to Section 2. (SECTION 2. Ground for Compensation. - When an employee suffers personal injury, or contracts tuberculosis 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 persons hereinafter specified.' It is presumed that petitioner's hypertension was service-connected, and therefore compensable. This, We have consistently held in a number of cases (*Central Azucarera Don Pedro v. Agno and WCC*, 12 SCRA 178; *Abana v. Quisumbing*, 22 SCRA 1278; *Legason v. WCC*, 75 SCRA 213; *Baterna v. WCC*, 75 SCRA 409; *Vda. de Galang v. WCC*, 75 SCRA 679; *Guevara v. Republic*, 77 SCRA 292; *Caling v. WCC*, 77 SCRA 311; *Evangelista v. WCC*, 77 SCRA 497; *Pillsbury Mindanao Flour Milling Co., Inc. v. Murillo*, 81 SCRA 307; *Lamco v. WCC*, L-4375, July 31, 1978; *Saril v. WCC*, L-43204, July 31, 1978) and the burden of proof is shifted to the employer to show by substantial evidence that while the illness subject of the claim supervenee in the course of employment, it does not necessarily follow that it also arose from such employment or was at least aggravated by it. (*Lizardo v. WEE*, L-42995, March 14, 1979. See also *Justiniano v. WCC*, 18 SCRA 677; *Magalona v. WCC*, 21 SCRA 1199; *Belmonte vs. WCC*, 58 SCRA 138; *Maria Cristina Fertilizer Corp. v. WCC*, 60 SCRA 228; *Ruelan v. RP*, 70 SCRA 615). x x x"

Unfortunately for the employer, the records are bereft of evidence to overcome the presumption of compensability. The allegation that Tortal had a drinking spree the evening before his death does not preclude his hypertension having been caused or aggravated by or having resulted from the nature of his farm work.

The jurisprudence explaining the effect of non-controversion is similarly emphatic in favoring the deceased worker. Under the former Workmen's Compensation Act, as amended, if an employer somehow overlooks or neglects to controvert the right to compensation within fourteen (14) days from the death of the employee or ten (10) days from knowledge thereof, the employer is considered, with an effect approaching conclusiveness, as having waived or renounced his defense. This was the applicable law. We are constrained to apply it. In the case of *Jesalva v. Workmen's Compensation Commission*, (95 SCRA 597) this court declared:

"x x x Moreover, the records of the case reveal that respondent employer never complied with its obligations under Sections 37 and 54 of the Act of reporting to the Commission within fourteen days from occurrence of the injury or death of its employee or within ten (10) days from knowledge thereof; which non-compliance generates [a] the loss of the right to controvert the claim on jurisdictional grounds, and the employer cannot be subsequently heard to complain that the law was strictly construed against him (*Victory Ship-ping Lines, Inc. v. WCC*, 106 Phil. 550 [1959]); [b] the renunciation of the right to controvert the claim, barring all defenses available without exception (*National Development Co. v. WCC*, 10 SCRA 696 [1964]), thereby constructively admitting that it is compensable; and [c] the waiver of the defense that the claim for compensation was not filed within the statutory period (*Vda. de Calado v. WCC*, 38 SCRA 567, 575-576 [1971]; *Manila Railroad Co. v. WCC*, 10 SCRA 41 [1964]). Consequently, herein respondent employer is barred from raising any defense to defeat petitioner's claim."

xxx xxx xxx

Under the afore-quoted ruling, the controversion of the claim as neither service incurred nor service aggravated filed by the private respondent only on March 8, 1974, was a sadly belated act.

Again the records are bereft of proof to support timely controversion, apart from a self-serving allegation that the employer learned of the death only when asked to accomplish WCC Form No. 3. The fact that Tortal died on the hacienda, that it is in the normal course of events to immediately report such a tragedy to the employer and that his daily wage of P8.00 must have been stricken off the payroll and considering further the presumptions under the former law, we rule that there was no timely and valid controversion.

WHEREFORE, the decision of the Workmen's Compensation Commission dated December 30, 1975 is hereby REVERSED and SET ASIDE. The private respondent is ordered to pay the petitioner:

1. The sum of SIX THOUSAND (P6,000.00) PESOS as death compensation;
2. The sum of TWO HUNDRED (P200.00) PESOS for burial expenses; and
3. The sum of SIX HUNDRED (P600.00) PESOS as attorney's fees; and to pay
4. The sum of SIXTY-ONE (P61.00) PESOS as administrative fee to successor of the defunct commission.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Vasquez, and Relova, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.