

SEVEN-UP BOTTLING COMPANY OF THE PHILIPPINES, PETITIONER, VS. VIRGILIO RIMERATA AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-24349. December 24, 1968

Ponente: DIZON, J.

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DIZON, J.:

Petition to review the decision of the Workmen's Compensation Commission ordering herein petitioner -

"1. To pay claimant, thru this Office, the sum of P3,041.66 (60% of P35.10 for 144 3/7 weeks) as compensation under Section 14 of Act 3428, as amended, and a weekly compensation of P21.06 from January 16, 1965 until his disease is pronounced arrested or cured by competent authority but the total amount of compensation due shall in no way exceed P4,000.00 maximum amount allowable by law;

"2. To provide the claimant whatever necessary medical, surgical, and hospital services and supplies he would need under Section 13 of the Act; and to reimburse claimant, through this Office, the sum of TWO HUNDRED PESOS (P200.00) as medical expenses incurred by him; and

"3. To pay to the Workmen's Compensation Fund the sum of P36.00 (plus P5.00 cost of the review) as fees under Section 55 of the Act."

Claimant Virgilio Rimerata worked as laboratory helper in petitioner's production department from March 17, 1953 until April 6, 1962 when he had to stop working due to the fact that he was suffering from peptic ulcer. His duties, inter alia, were to prepare sugar and taste the syrup for correction in accordance with the established standard; to weigh citric acid, sodium citrate, carbonated water, lemolime and alcohol, and to place and mix said ingredients in an electrically operated mixing tank and then taste the mixture; to pour acoustic soda into the bottle washing machine; to change the water analyzer in the water tank; and carry, in a day of eight working hours, 16-54 sacks of sugar weighing 100 lbs. each along a distance of about ten meters. He worked eight hours a day, six days a week, his last wage rate being P5.85 daily. After three or four years he felt the development of pain in his abdominal region and when on April 6, 1962 he suffered stomach pains and vomited while working in the plant he was subjected to immediate treatment by his employer's physician, Dr. Gil Angeles, who diagnosed his illness as peptic ulcer, and advised his confinement at home. As despite medical treatment until June 26, 1962 by Dr. Angeles his condition showed no improvement, he placed himself in the hands of Drs. Jose C. Almeda and Clodualdo S. Manas, both of Laguna, and of Dr. Charles S. Harn of St. Luke's Hospital in Manila. Finally, on December 15, 1962 petitioner terminated his services due to his continued illness.

Upon the facts set forth above, the Workmen's Compensation Commission rendered the appealed decision which petitioner now urges us to reverse claiming that said Commission committed the following errors:

"I

That the Commission erred in finding that the claimant, Virgilio Rimerata, was disabled for work up to January 15, 1965, and in not holding that in the absence of any evidence, it can not be presumed that he was disabled for work.

II

That the Commission erred in not holding that the claimant has the burden of proving that his disability for labor persisted up to January 15, 1965 or thereafter, and that the petitioner does not have the burden of showing that such disability for labor did not persist up to the aforesaid date or beyond thereof.

III

That the Commission erred in finding that the claimant's peptic ulcer must have developed through the years that he was employed by the petitioner tasting the syrup preparation and mixture of the 7-up ingredients.

IV

That the Commission erred in finding that the ailment of the claimant is compensable."

In the third assignment of error petitioner's contention is that Rimerata's peptic ulcer was not caused by nor was it connected with his work. We find this to be untenable. The testimony of Ruben Rodriguez, foreman in the production department of petitioner's factory, corroborated by that of petitioner's Assistant Manager, Crispin Peralta, in conjunction with that of Dr. Harn in relation to his medical certificate Exhibit B-2, sufficiently show that the ingredients which Rimerata had to take or swallow in connection with the discharge of his duties as petitioner's employee probably irritated the linings of his stomach and produced or, at least, aggravated the peptic ulcer he was found to be suffering from. In this connection, it is to be borne in mind that, for a claim to be compensable, it is sufficient that the employee's ailment is shown to be attributable to, or reasonably connected with or was aggravated by the nature and conditions of his work. This test has been sufficiently met in the present case.

The first and second assignments of error made in petitioner's brief raise but a mere question of evidence namely, who, as between petitioner, on the one hand, and its employee, Rimerata, on the other, has the burden of proof in connection with the question of when the latter was disabled for work. Whether it was petitioner who had the burden of proving that Rimerata's disability for labor did not last until January 15, 1965, or whether it was Rimerata who had the burden of proving that his disability for labor persisted up to said date, is of no great consequence in this case, the Commission having found as a fact that such disability lasted until January 5, 1965. This finding being, in our opinion, supported by substantial evidence in the record may not now be reviewed.

The fourth and last assignment of error is merely the consequence of the previous three and need no further discussion.

WHEREFORE, the appealed decision being in accordance with law and the evidence, the same is hereby affirmed, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Capistrano, JJ., concur.

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