

ILDEFONSO GERALDO, SR., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND WACK-WACK GOLF AND COUNTRY CLUB, RESPONDENTS.

G.R. No. L-42294. December 28, 1979

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petitioner seeks a review of the December 26, 1975 decision of the respondent Commission affirming the October 29, 1975 decision of the Acting Referee in RPO-WC Case No. C-954, which denied petitioner's compensation claim.

The records reveal the following:

1. On January 7, 1972, at about 3:00 o'clock in the morning, petitioner, while at home, suffered from an ailment for which he was immediately brought to Lourdes Hospital wherein he was confined from January 7 to 19, 1972 (pp. 22-24, WCC rec.). His illness was diagnosed as "hypertension, with secondary hemigalegia, left arm" with a "fair" prognosis (p. 4, WCC rec.).
2. On January 11, 1972, respondent employer filed its Report of Accident or Sickness and stated that it is controverting petitioner's right to compensation on the ground that his illness was not directly caused by his work, nor aggravated by or the result of the nature of his work (p. 3, WCC rec.). On January 13, 1972, respondent employer further submitted a physician's report signed by its doctor stating that he first treated petitioner on January 8, 1972 and opined that his ailment was not work-connected (p. 4, WCC rec.).
3. Petitioner never completely recovered from his ailment and when he was discharged on January 20, 1972 from the hospital, the left half of his body was still paralyzed. Consequently, he was not able to resume his work with respondent employer which retired him in January, 1972 (p. 29, WCC rec.) at the age of 61, after he had already served respondent employer for forty-one (41) years, more or less, and was holding the twin jobs of timekeeper and gas station in-charge. These jobs required him to issue gasoline and oil to its members and customers and to record the same, to receive gas and oil deliveries, to prepare and check house personnel's time card, and to prepare payroll (pp. 28, 29, WCC rec.).
4. By reason of his retirement due to his illness, respondent employer paid him P8,817.95 which, according to the testimony of petitioner's son, was the amount left of his father's gratuity benefit from respondent employer of 15-day pay for every year of service, after the latter deducted therefrom his father's medical expenses. (On the basis of petitioner's last salary of P470.00, his gratuity fee is P9,635.00 [P470.00/2 x 41]). However, respondent employer maintained that this amount was given to petitioner not as a gratuity benefit but "for humanitarian considerations due to the illness he suffered in January, 1972 x x x" which was paid to him "x x x as full and complete payment of whatever workmen's compensation or disability benefits he may be entitled to under the applicable law, x x x" (p. 138, WCC rec.). The respondent employer, however, did not present the vouchers covering the aforesaid payment, as according to it, the same were lost while in the possession of its former

counsel (p. 58, rec.; p. 138, WCC rec.).

5. On June 30, 1972, petitioner filed his notice and claim for compensation on the basis of his afore-stated ailment. While he alleged in his claim that the place of accident was "company premises" and that "for 3 to 4 years before actual disability, (he) had been under treatment by employer's doctor, until, while at work on the 6th of January, 1972, he felt dizzy and was brought to the hospital, Lourdes Hospital" (p. 2, WCC rec.), his very own testimony shows that the place of accident was his home and the accident took place on January 7, 1972, at around 3:00 o'clock in the morning and that he had never been treated by the respondent's doctor prior to his January 7, 1972 ailment (pp. 23-25, WCC rec.).

6. After several hearings, whereby only petitioner presented witnesses, while respondent employer submitted only the affidavit of its General Manager and its physician's report, the Acting Referee on October 29, 1975, rendered a decision dismissing the claim on the ground of satisfaction thereof, thus:

"We shall not dwell anymore in detail on the facts obtaining in the case as there has been an admission made by the respondent that benefits had been extended to the claimant by virtue of his illness. Needless to point, the compensability of the case is now a settled matter. It shall now be our task to resolve whether the amount advanced by the respondent to the herein claimant could properly be considered as payment made under the Workmen's Compensation Act, as amended. As we are informed, an amount of P8,870.95 (should be P8,817.95) was given by the respondent to the claimant in a bank check dated April 7, 1972. It was given to the claimant for humanitarian consideration for the illness he suffered in January, 1972. Such being the case, we consider the same amount which is not a benefit extended as liability of the respondent under any agreement, contract or existing law and therefore should be considered as advanced payment for workmen's compensation benefits. Since the amount extended to the claimant was more than the maximum compensation (P6,000.00) he is entitled for his kind of disability, then, we consider his claim now before us to be fully satisfied."

Petitioner duly moved to reconsider the aforesaid decision contending inter alia that the Acting Referee erred in concluding that the amount of P8,817.95 was given by respondent employer to petitioner as advance payment for workmen's compensation benefits, because the same was given as "gratuity benefits" in accordance with respondent employer's long-standing practice and policy.

In a decision dated December 26, 1975, the respondent Commission sustained the contention of petitioner, thus:

"x x x The findings by the Acting Referee below that the amount of P8,817.95 paid by the respondent to claimant in a bank check dated April 7, 1972 is considered as an advance payment for workmen's compensation benefits is an error. The said amount was paid by respondent as a gratuity or retirement benefit in consideration for the 41 years of service of herein claimant. For, if said payment was really intended for the payment of its liability under the Workmen's Compensation Act, as amended, respondent should have moved for the dismissal of the claim on the ground of satisfaction, considering that the payment was made prior to the filing of the instant case for disability compensation. Respondent in its Employer's Report did not raise this as a ground for controverting the claim (see item 8, Employer's Report of Sickness). Moreover, if respondent gave the amount for humanitarian considerations due to claimant's illness which we are not inclined to believe, it would have paid not more than the maximum compensation of P6,000.00."

But respondent Commission went on to affirm the order of dismissal and denied petitioner's compensation claim for the reason that:

"x x x claimant failed to establish a causal link of the illness to the employment. As testified to by the claimant himself he suffered the attack right in his house at 3:00 o'clock in the morning. There is no showing that he had complained of any ailment while in the performance of his work. Furthermore, it is now settled rule in this jurisdiction that hypertension is not a disease but merely a symptom of an illness which can be corrected by

proper and correct food habits. While it is true that a claimant in a workmen's compensation case may not prove his case to the point of demonstration, it is however necessary to show a causal relation of the illness to the nature of the employment. In the absence thereof, there is no basis upon which the legal presumption of causation or aggravation may be validly invoked. In the present case, claimant utterly failed to satisfy this requirement, and accordingly this Commission is constrained to deny this claim."

Hence, this recourse.

The only issue posed in this case is whether or not respondent Commission gravely abused its discretion in absolving respondent employer of liability upon a ground already settled, liability therefor admitted, and which was not invoked by respondent employer as a defense before the respondent Commission.

WE rule in the affirmative.

1. Indeed, the compensability of the ailment of petitioner has been laid to rest by the failure of respondent employer to invoke the contrary before the respondent Commission, to which herein petitioner appealed the order of the Acting Referee dismissing his claim on the ground that while the compensability of the claim has been admitted and settled, the same, however, was already satisfied by the respondent employer when it paid petitioner the amount of P8,817.95. While respondent was not required to appeal from the aforesaid decision which was favorable to it, it should have opposed the appeal of petitioner and therein raised, so as to preserve, the issue of compensability of petitioner's ailment. Such failure on its part put an end to the aforesaid issue of compensability and the respondent Commission was therefore limited to the issue of non-satisfaction of the claim raised by petitioner in his appeal. Consequently, respondent, after sustaining petitioner's stand that the amount of P8,817.95 was paid by respondent employer to petitioner not as workmen's compensation benefits but as gratuity benefits, was already without jurisdiction to still deny petitioner's appeal on the aforesaid ground of non-compensability. For as WE have emphatically declared: "x x x It is not good policy in regard to social legislation x xx x for the Workmen's Compensation Commission to go out of its way in absolving an employer from liability for compensation for work-connected injury or death of his employee or worker by upholding grounds not invoked by the employer before it" (Buenaventura vs. Workmen's Compensation Commission, 76 SCRA 485, 490 [1977]; Vda. de Calado vs. Workmen's Compensation Commission, 38 SCRA 569, 585-586 [1971]).

2. Moreover, respondent employer's defense that the ailment of petitioner was not work-connected, therefore not compensable, was not sufficiently shown. The only evidence submitted in support thereof were the affidavit of its General Manager to the effect that "as timekeeper, claimant's nature of employment was purely clerical as he was not required to do manual labor or other strenuous job, nor was he exposed to the elements of nature" and Physician's Report of its doctor who gave the opinion that petitioners ailment was not work-connected. Certainly, these evidence do not meet the quantum of evidence necessary to establish the fact of lack of work-connection of ailment and employment; nor are they sufficient to overcome the presumption of compensability obtaining in favor of petitioner's ailment as it is clear that his ailment supervened in the course of his employment. In Mulingtapang vs. Workmen's Compensation Commission (80 SCRA, 611, 614-615 [1977]), WE emphasized that x x x the evidence necessary to destroy the aforesaid legal presumption of compensability must do more than create a doubt. It must be such as a reasonable mind must accept as adequate to support a conclusion. Hence, WE have repeatedly ruled that the mere opinions of doctors on the non-causal connection between illness and/or death and the nature of claimant's work, presented as evidence by the employer, do not meet the required quantum of evidence as aforesaid; and therefore such opinions cannot prevail over the presumption of compensability established by law (Simon vs. Republic, 71 SCRA 643 [1977]; Maria Cristina Fertilizer Corporation vs. WCC, 60 SCRA 288 [1974]; Abena vs. Quisumbing, 22 SCRA 1282-1283 [1968]; and Magalona vs. Workmen's

Compensation Commission, 21 SCRA 1203 [1967])."

3. Finally, the multifarious activities of petitioner called for by his twin jobs as gas station in-charge and timekeeper caused and/or aggravated his ailment of hypertension. As station in-charge, petitioner had to issue gasoline and oil to members and customers of respondent employer and thereafter to record them. And as timekeeper, he had to prepare and check house personnel's time cards. In addition, petitioner likewise prepared payrolls (pp. 28-29, WCC rec.). It requires no medical testimony to conclude that by reason of the aforesaid number and nature of petitioner's work, tension or stress permeated and characterized petitioner's everyday life with respondent employer. Stress or tension is admittedly one of the causes of hypertension (*Landicho vs. Workmen's Compensation Commission*, G.R. No. L-45996, March 26, 1979). Hence, as aforestated, petitioner's ailment of hypertension was work-connected and/or aggravated.

Consequently, even on the merits of the issue of compensability, respondent employer's position cannot be sustained.

WHEREFORE, THE DECISION OF THE RESPONDENT COMMISSION IS HEREBY REVERSED AND RESPONDENT EMPLOYER IS HEREBY ORDERED

1. TO PAY PETITIONER THE AMOUNT OF SIX THOUSAND (P6,000.00) PESOS AS DISABILITY BENEFITS;
2. TO REIMBURSE PETITIONER HIS MEDICAL EXPENSES DULY SUPPORTED BY RECEIPTS;
3. TO PAY ATTORNEY'S FEES EQUIVALENT TO TEN PERCENT (10%) OF THE AWARD; AND
4. TO PAY THE SUCCESSOR OF THE DEFUNCT COMMISSION ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

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