

LILIA B. GALCERAN, PETITIONER, VS. SECRETARY OF LABOR & THE HI-CEMENT CORPORATION, RESPONDENTS.

G.R. No. L-47953. July 20, 1982

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review of an order of the Secretary of Labor denying a motion for reconsideration of an order of the Acting Referee, Workmen's Compensation Task Force dismissing the petitioner's claim for death compensation.

The petitioner's husband, Noel Galceran, was an employee of respondent Hi-Cement Corporation since 1968, as pre-heater operator with a daily wage of P9.80. On May 17, 1970, while inside the corporation's factory his helmeted head was caught by the drive V-belts of the plant's kiln pre-heater which dragged his whole body and smashed him against the wheel causing extensive injuries to his head, neck and body. He was brought to the ABM Sison Hospital by his employer and confined therein from May 17 to July 20, 1970. At the hospital, Galceran was attended to by Dr. V. Basilio of the hospital staff and Dr. Nicolas of respondent company. The report of his injuries to the Social Security System by Dr. V. Basilio of ABM Sison Hospital shows the following:

"Extensive avulsion w lacerations & loss of tissues of scalp & neck. Cerebral concussion severe." (Records, p. 15)

Later, according to his wife, he became insane and on August 5, 1970, he committed suicide by hanging himself.

On March 31, 1975, petitioner, as surviving widow, filed a notice and claim for death compensation with the Department of Labor, Regional Office No. 4, Workmen's Compensation Section. At the initial hearing of the claim on October 14, 1975, the Acting Referee required the counsels for both parties to submit their respective affidavits simultaneously.

Then on October 24, 1975, the Acting Referee, after considering that suicide, which caused the decedent's death, is not compensable issued an order dismissing the claim.

The death certificate on the record shows that Noel Galceran died of "Asphyxia due to strangulation suicidal."

On May 9, 1977, petitioner's counsel filed with the Compensation Appeals and Review Staff of the Department of Labor a motion to set the case for hearing on the ground that he never received any notice of hearing or an order of dismissal of the case. This motion was denied by the Secretary of Labor on August 10, 1977, citing as reason that the case was already dismissed.

A motion for reconsideration of the order of dismissal was filed on November 25, 1977, but this was denied for lack of merit by the Secretary of Labor on January 20, 1978.

Hence, the present petition raising the issue that the act of the deceased Noel Galceran in committing suicide was an after-effect of the accident, so, his death was work-connected and, therefore, compensable.

Petitioner admits that her husband committed suicide and that the immediate cause of his death was asphyxia due to strangulation. However, she argues that there was no voluntary intent on his part to kill, himself because at the time he committed the act he was out of his mind due to insanity caused by the cranial injuries he sustained in an accident that occurred inside the plant in the course of his employment. To support her argument, she submitted an opinion rendered by Dr. Benvenuto T. Juatco, former Assistant Chief, X-Ray Service and Chief of Cancer Section, Veterans Memorial Hospital, Quezon City, who has had a broad experience in personally examining brain injuries through x-rays and following them up in the operating room. The pertinent portion of his opinion states:

"Considering the description of the injury by the Company and the reports of the SSS which is a complete diagnosis by itself, I think this case had suffered 1. Hematoma of the Brain and/or 2. Atrophy of the Brain substance. Either of these conditions or both of them to have happened in this case there shall have been MENTAL DISTURBANCES, the degree of which will depend on the damage to the Brain. In this case damage to the Brain resulting to Atrophy was great, so that, he resulted to Mental deterioration coming on and off with him.

"The suicidal act as consummated has been done in his moment of mental loss or in other words out of his normal mind and this was due to the Brain injury he suffered from the Company machine Belt that resulted to Avulsion of the Scalp with Severe Concussion. I feel therefore that the death of this case of Noel O. Galceran is Work Connected." (Records, p. 37)

It is further argued by the petitioner that the fact that the deceased suffered extensive avulsion with lacerations and loss of tissues of scalp and neck and severe cerebral concussions, the imminent danger of his going insane at any moment as an after-effect of the accident was always present.

Both respondents, on the other hand, countered that there is no evidence to support the allegation of petitioner that Noel Galceran became insane. They also assailed the medical opinion prepared by Dr. Benvenuto T. Juatco contending that he did not see and neither did he attend the deceased before and after the latter committed suicide and that Dr. Juatco was never presented before a hearing to prove the insanity.

It is also pointed out by respondents that under the Workmen's Compensation Act the company is exempted from liability for costs of accidents or illness having no causal relation with employment and that the circumstances and conditions enumerated under Section 2 and 4 of the said Act cannot be based on mere presumptions and conjectures.

The contentions of respondents are untenable. This claim is covered by the Workmen's Compensation Act as amended, Section 2 of which enumerates the circumstances that are within the compensatory purview, as follows:

"Sec. 2. - Grounds for compensation. - When an employee suffers personal injury from any accident arising out of and in the course of his employment, 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 person hereinafter specified. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employer to proceed against the negligent party."

and Section 4 of which enumerates those not recoverable for compensation:

"Sec. 4. Injuries not covered. - Compensation shall not be allowed for injuries caused (1) by the voluntary intent of the employee to inflict such injury upon himself or another person; (2) by drunkenness on the part of the laborer who had the accident; (3) by notorious negligence of the same."

In the light of the foregoing provisions applied to the facts of this case, an award of death compensation benefits to the widow of the deceased employee is warranted. It is not disputed that the deceased sustained physical injuries when he met an accident inside the company's plant in the course of his employment. He was taken to the hospital and treated and confined therein at company expense.

As to the alleged absence of evidence that Noel Galceran became insane, the substantial evidence rule and not the preponderance of evidence rule is followed in the determination of compensability of an injury or illness. (*Iloilo Chinese Commercial School v. Fabrigar* 3 SCRA 712; *Vda de Olib v. City of Manila* 68 SCRA 380).

The severe cerebral concussion, the lacerated scalp, and the other injuries suffered when the worker's head hit the wheel with such force that his body, caught in the drive belts, was ejected therefrom are compatible with and logically related to the resulting insanity which followed fairly closely afterward. Insanity is a disease reasonably attributable to the nature of the injuries sustained by the worker. We find the affidavit of the widow (Records, p. 17) as well as the opinion rendered by Dr. Benvenuto T. Juatco adequate proof that the worker was insane at the time he committed suicide and that this insanity rendered him incapable of forming a willful intention to take his own life. His mind gave way because of the injuries to his head and he not only injured but killed himself.

Respondents raise a further objection to the submitted medical opinion of Dr. Juatco on the ground that said physician never had a hand in the victim's medical history and was not presented before a hearing on this case. The records reveal that the only hearing held on this case was on October 14, 1975, when counsels for both parties were required by the Acting Referee to submit their respective affidavits. As a matter of fact petitioner's counsel filed a motion to set the case for hearing but the same was denied by the Secretary of Labor so petitioner never had a chance to present the evidence establishing the medical link between the insanity and death of Noel Galceran.

Moreover, the problem in workmen's compensation cases is not the admissibility of evidence, which is incompetent under the ordinary legal rules, but the efficacy of such evidence to support an award or decision. Consequently, it can be said that the admission of incompetent evidence is not in itself ground for reversal of an award. (*Rio y Compania v. WCC, et al.*, 20 SCRA 1196, 1202)

The law excludes injuries caused by the voluntary intent of the employee to inflict such injury upon himself.

Is the suicide of Noel Galceran excluded and not compensable?

Because of the social justice provision of the Constitution and the consistently liberal interpretation of the Workmen's Compensation Act in favor of the working man and his dependents (*Manansala V. Republic* 57 SCRA 231), We follow the rule that where the injuries precipitate mental derangement which, in turn, causes the suicide, the death is compensable. It has been ruled that where the original work-connected injuries suffered by the employee result in his becoming devoid of normal judgment and dominated by a disturbance of mind directly caused by his injury and its consequences, such as severe pain and despair, the self-inflicted injury cannot be considered "purposeful" within the meaning and intent of the Workmen's Compensation Act. (*Graver Tank & Mfg., Co., vs. Industrial Commission*, 399 P. 2d 664). Also, where an employee who becomes mentally deranged and deprived of normal judgment as a result of a compensable accident and commits suicide in consequence, his act is not "willful" within the meaning of the Workmen's Compensation Act. (*Petty vs. Associated Transp., Inc.*, 173 S.E. 2d 321).

On the basis of the statutory presumption of compensability under the now defunct Workmen's Compensation Act and the social justice provision of the Constitution plus plain rules of reason and logic applied to the facts, We are constrained to reverse the decision of the Secretary of Labor sustaining the order of the Acting Referee.

WHEREFORE, the order of the Acting Referee dismissing the claim is hereby set aside and respondent

Hi-Cement Corporation is directed to pay:

1. The petitioner and her daughter:
 - a) the amount of SIX THOUSAND (P6,000.00) PESOS as compensation;
 - b) the amount of TWO HUNDRED (P200.00) PESOS as burial expenses;
 - c) the sum of SIX HUNDRED TWENTY (P620.00) PESOS as attorney' fees; and
2. The amount of SIXTY ONE (P61.00) PESOS as administrative fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Plana, Vasquez, and Relova, JJ., concur.
Melencio-Herrera, J., no part.

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