

LEOPOLDO AYUSO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND WHITE WAYS, INC., RESPONDENTS.

G.R. No. L-42893. September 30, 1976

Ponente: MARTIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/493e3072f911/>

MARTIN, J.:

Petition for review of the decision of the respondent Workmen's Compensation Commission denying the claim of petitioner Leopoldo Ayuso (now deceased) for compensation benefits under the Workmen's Compensation Act.

On May 16, 1973, Leopoldo Ayuso filed a claim for compensation benefits with the Acting Referee of the Regional Office No. IV, Department of Labor, Manila. While waiting for the decision on his claim, Leopoldo Ayuso died on August 15, 1975. Accordingly pursuant to the provisions of the Rules of Court, his wife,[1] Apolonia Bautista was substituted for her deceased husband in the present petition.

It appears that the deceased Leopoldo Ayuso was employed by private respondent White Ways, Inc. as a laborer from 1970 until August 31, 1972 with a salary of P9.00 a day. As a laborer, he was assigned to do menial work like cleaning toilets and medicine containers and making repairs in the comfort rooms of private respondent. Before he was employed by private respondent, he worked from 1965 to 1970 with the "Better Buildings," a sister company belonging to the owners of White Ways, Inc. While still working with the "Better Buildings" he was already suffering from coronary disease. As a matter of fact in 1967 and 1968 he was confined in the Philippine General Hospital. On November 12, 1972 when he was already employed with the private respondent, he was confined again in the Philippine General Hospital where his illness was diagnosed as "cor-pulmonable, secondary to primary lung disease with minimal PTB" by Dr. Mediadora Claudio. He was also found to have an enlarged heart. Another doctor, Dr. Bravo, also of the same hospital has the same diagnosis of petitioner's illness. Both doctors were of the opinion that his lung ailment was aggravated by his work and certified that petitioner was not fit to do any strenuous work as it would only make his ailment worse. The Physician's Report of Sickness or Injury and Claim for Compensation[2] signed by Dr. Claudio shows that the deceased was suffering from a total disability.

In denying the claim of petitioner, respondent Commission ruled that the latter failed to establish that he contracted his illness while still employed by the private respondent and that granting that he got his illness during the course of his employment, the deceased was not able to establish by substantial evidence that his illness incapacitated him for labor before his separation from the service and that his separation was due to the closing of the business of the private respondent and not because of his illness.

The records show that before the deceased was employed by private respondent he had worked with a sister company of the latter from 1965 to 1970. At that time he has been confined in the Philippine General Hospital twice - once in 1967 and then in 1968. In 1970, he was already complaining of persistent cough. The confinement of the deceased in the Philippine General Hospital in 1967 and 1968 for lung ailment while he was still working

with the "Better Buildings" should have forewarned private respondent about his physical condition. So when private respondent allowed him to work with the White Ways, Inc., it has assumed the risk of answering for the further aggravation of his illness. With the foregoing, it cannot be denied therefore that the illness of the deceased supervened in the course of his employment with private respondent. As this Court held in a long line of decisions, once it is shown that the illness supervened in the course of employment, there is the rebuttable presumption[3] that said illness arose out of or was aggravated in the course of his employment[4] and with the pre-sumption, the burden shifts to the employer and the employee is relieved of the burden to show causation.[5] Private respondent has not offered any proof to rebut the evidence of the deceased that his illness was aggravated by the nature of his employment. All that it tried to show is that the illness of the deceased did not incapacitate him for work before his separation from the service. However, the Physician's Report of Sickness or Injury clearly states that the disability of deceased was "total" and that the deceased was not fit to do any strenuous work. If the deceased was constrained to do the same kind of job with private respondent, it could be because he wanted to earn something to meet the needs of his family. Knowing of his physical condition, private respondent could have assigned him to a less strenuous work. Besides, it is not the fact that one can still work, although forcing himself to do so, but whether his physical condition would permit him to do normally the job assigned to him, which in this case consists of cleaning toilets, making repairs in the comfort rooms and of medicine containers. If, according to the Physician's Report of Sickness or Injury, his incapacity was total, then pursuant to Section 14 of the Workmen's Compensation Act[6] he should be entitled to compensation benefits of P6,000.00. It is further contended by private respondent that the deceased had to be separated from his employment because its license to operate the business had already expired. This will not excuse private respondent from the liability to give compensation benefits to its employee who became ill during the course of his employment. The closing of the business of private respondent cannot prejudice the rights of the employees to recover what is due to them under the law.

WHEREFORE, the judgment of the respondent Commission is hereby set aside and a new decision rendered ordering the private respondent to pay the petitioner compensation benefits for his permanent and total disability in the amount of P6,000.00, plus attorney's fees equivalent to ten percent (10%) of the amount that the petitioner is entitled to recover as herein indicated.

With pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Concepcion, Jr., JJ., concur.

[1] "SEC. 17, Rule 3, Rules of Court. Death of party. - After a party dies and the claim is not thereby extinguished, the court shall order, upon proper notice, the legal representative of the deceased to appear and to be substituted for the deceased, within a period of thirty (30) days, or within such time as may be granted. If the legal representative fails to appear within said time, the court may order the opposing party to procure the appointment of a legal representative of the deceased within a time to be specified by the court, and the representative shall immediately appear for and on behalf of the interest of the deceased. The court charges involved in procuring such appointment, if defrayed by the opposing party, may be recovered as costs. The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of executor or administrator and the court may appoint guardian ad litem for the minor heirs."

[2] Exhibit B.

[3] "SEC. 44. Workmen's Compensation Act. Presumption. - In any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary -

1. That the claim comes within the provisions of this Act;
2. That sufficient notice thereof was given;
3. That the injury was not occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another;
4. That the injury did not result solely from the intoxication of the injured employee while on duty; and
5. That the contents of verified medical and surgical reports introduced in evidence by claimants for compensation are correct."

[4] Talip vs. WCC, G.R. No. L-42510, May 31, 1976; Reynaldo vs. Republic, G.R. No. L-43108, June 30, 1976; Mercado vs. WCC, et al., G.R. No. L-42451, July 30, 1976.

[5] Abana vs. Quisumbing, G.R. No. L-21849, March 27, 1968.

[6] "SEC. 14. Total disability. - In case the injury or sickness causes temporary total disability for labor, the employer shall, during such disability, pay to the injured employee a weekly compensation equivalent to sixty per centum of his average weekly wage but not less than fourteen pesos per week, except in the case provided for in the next following paragraph. No compensation shall be allowed for the first three calendar days of incapacity resulting from an injury except the benefits provided for in the preceding section; but if the incapacity extends beyond that period, compensation shall be allowed from the first day of such incapacity. Such weekly payments shall in no case continue after the disability has ceased, nor shall the aggregate sum paid as compensation exceed in any case six thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of injury.

In the case of an employee whose average weekly wages are less than fourteen pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be fourteen pesos in such case. In the event that the total disability begins after a period of partial disability, the amount of compensation due for the latter and for any other disability shall not exceed the maximum amount of six thousand pesos."

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.