

**FRANCISCO JUSTINIANO, PETITIONER, VS. THE HON.
WORKMEN'S COMPENSATION COMMISSION AND CEBU
STEVEDORING CO., INC., RESPONDENTS.**

G. R. No. L-22774. November 21, 1966

Ponente: BENGZON, J.P., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4d9a2e8447ac/>

BENGZON, J.P., J.:

Starting in 1946 Francisco Justiniano was employed by Cebu Stevedoring Co., Inc., designated as a sailor. The nature of his work called for such duties as cleaning the barge, watching the barge and its cargoes, scraping the rust off the barge, throwing the line to the tugboat for the towing of the barge. At the time relevant to this case, in 1958, he was receiving a daily compensation of P4.09 and was assigned to work from twelve midnight to eight in the morning.

At four in the morning of June 20, 1958, while on duty aboard the barge, Francisco Justiniano felt pain in his head and left breast and uneasiness in the left portion of his body. A blood clot - the size of a guava fruit - came out of his mouth, and blood from his nostrils. As a result he was helped ashore and taken home to his residence at Mandawe, Cebu. Dr. Restituto Soon attended to him and diagnosed his case as an attack of high blood pressure. [[1]]

The patient was taken that same day to a hospital in Cebu City, and Dr. Deiparine treated him. From June 20, 1958 to October 9, 1958, he was confined in the Cebu Community Hospital. The medical expenses were defrayed by the employer Cebu Stevedoring Co., Inc., pursuant to a collective bargaining agreement between said company and its employees.

Francisco Justiniano did not return to work because his illness resulted in hemiplegia or paralysis of the extremities of half of the body, in his case, the left side. For this reason he resigned from the company and thereafter filed a claim for compensation under the Workmen's Compensation Act (Act No. 3428, as amended).

After reception of evidence thereon, the hearing officer rendered on November 29, 1962 a decision awarding Francisco Justiniano P3,061.76 as compensation for total disability; P153.08 for attorney's fees; plus further medical expenses. Administrative costs of P31.00 was charged on the company.

Appeal therefrom to the Workmen's Compensation Commission was taken by the Cebu Stevedoring Co., Inc. And on February 7, 1964, the trial Commissioner therein decided against the claimant, absolving the employer from liability upon the ground that the claimant's illness was not proved to have been caused or aggravated by the employment.

After Francisco Justiniano moved to reconsider this decision, the Workmen's Compensation Commission en banc, denied by resolution of April 2, 1964, said motion. And, hence, he has appealed both WCC decision and resolution en banc to this Court.

The point to resolve in this appeal has to do with matters of presumption and the burden of the evidence. Thus, the

issue may be stated: Is total disability due to paralysis caused by an illness - hypertension in this case - supervening during the period of employment, compensable, even if there is no evidence to prove that the illness arose out of said employment or was aggravated by it?

The rule is now settled that by virtue of Section 44(1) of the Workmen's Compensation Act, which states:

"SEC. 44. Presumption. - In any proceeding for the enforcement or 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;"

once the claimant has established that the illness, upon which the claim is premised, supervened during the time of his employment, there is a rebuttable presumption that the illness arose out of or at least was aggravated by, his employment.[2]

The W.C.C. decision appealed herein ruled that there can be no compensation award in the absence of evidence proving that the disease was caused or aggravated by the employment.[[3]] This is not in consonance with the presumption above-stated. As this Court through Mr. Justice J. B.L. Reyes said in the Agustin case, supra: "The laborer is relieved from the burden of proving causation once the injury is shown to have arisen in the course of the employment. x x x The disease having arisen in the course of the employment, it is presumed by law that it arose out of it."

There is no dispute here that the disease arose in the course of the employment. The W.C.C. stated that there was no evidence of pre-existing hypertension on the part of the employee when he started working with the respondent company (WCC decision, Annex C to Petition for Review, p. 2).

And respondent company's brief herein admits that petitioner-claimant sustained the hypertensive attack already mentioned on his "tour of duty" (Respondent-appellee company's brief, p. 5).

Applying, therefore, the presumption of the law, there being no evidence presented to rebut it, the decision refusing the award should be reversed. Following Section 14 of Act 3428, the amount of compensation as computed by the hearing officer is correct. The rest of the award - attorney's fees, further medical expenses and administrative costs - are likewise in order.

WHEREFORE, the Workmen's Compensation Commission's decision and resolution en banc appealed from are hereby reversed and another judgment shall be entered awarding petitioner-claimant a compensation of P3,061.76; plus further medical attendance and/or expenses under Sec. 13 of Act 3428; attorney's fees of P153.08; and, respondent company is further ordered to pay P31.00 to the Workmen's Compensation Fund under Sec. 55 of Act 3428. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

[1] The B.P. as taken read 180 over 100 (Tsn., Feb. 19, 1962, p. 20).

[2] Agustin v. W.C.C, G.R. No. L-19957, September 29, 1964; Hernandez v. W.C.C, G.R. No. L-20207, May 31, 1965.

[3] It should be pointed out that the W.C.C decision and resolution came before the Supreme Court ruling in the

Agustin case, supra.

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.