

ASUNCION T. CABINTA, FOR HERSELF AND FOR HER CHILDREN, RENATO, THELMA, MARRIETA, DANILO AND MA. LORNA, ALL SURNAMED CABINTA, PETITIONERS, VS. WORKMEN'S COMPENSATION COMMISSION A...

G.R. No. L-42639. July 30, 1976

Ponente: MARTIN, J.

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MARTIN, J.:

This is a petition to review the decision of the Work-men's Compensation Commission reversing the award of death benefits made by the Acting Referee of Regional Office No. 4, Manila in favor of petitioners in Workmen's Compensation Case No. 166371.

Jose C. Cabinta was first employed by the respondent City of Manila on January 23, 1962 as a substitute driver until 1966 when he was made a regular driver with a salary of P10.00 a day. On July 14, 1973 while driving a truck for the respondent City, he suddenly lost consciousness and vomitted brownish partially digested food and became paralyzed in the upper and lower extremities as shown in the Medical Examiner's Report on Claim for Disability Benefits under the signature of Angelita E. Coronel, Junior Resident Physician, Ospital Ng Maynila. His illness was diagnosed as "hemiplegia secondary to CVA" as shown in the Action on Disability Claim filed with the GSIS under the signature of Eliseo B. Sta. Cruz, M.D. Assistant Medical Director. The same medical report shows that the total permanent disability of Jose C. Cabinta has set in not earlier than October 15, 1973 when he retired under Commonwealth Act 186. He finally died on October 8, 1974, survived by his widow, Asuncion T. Cabinta and their minor children, namely, Renato, Thelma, Marrieta, Danilo and Ma. Lorna, all surnamed Cabinta.

On March 31, 1975, his widow filed a claim for compensation for the death of her husband. In support of her claim she presented the marriage certificate issued by the Parish Priest of St. Ildephense, Malasique, Pangasinan and the baptismal certificates of her minor children to show their filiation to the deceased. On October 14, 1975, the Acting Labor Referee of the Regional Office No. 4, Manila rendered a decision in favor of petitioners the dispositive portion of which, reads:

"WHEREFORE, premises considered, judgment is hereby rendered ordering the respondent City of Manila:

- 1) To pay thru this Office and in lump sum, claimants the death compensation in the maximum sum of SIX THOUSAND PESOS (P6,000.00), plus a burial expense of TWO HUNDRED PESOS (P200.00).
- 2) To pay this Office the fee of SIXTY-ONE PESOS (P61.00) pursuant to Section 55 of the Act, as amended."

However, on review of the said decision the respondent Commission reversed the same and ordered the dismissal of the case for lack of cause of action.

Hence, this petition for review which the Court treats as special civil action as per its resolution on March 19,

1976.

In disallowing the award of death benefits to the petitioners the respondent Commission ruled that the evidence presented by the latter which consists of the certificate of marriage (for Asuncion T. Cabinta) and the baptismal certificates (for the minor children) issued by the Parish Priest of San Ildephense, Malasique, Pangasinan, are not sufficient to establish their filiation as widow and children, respectively of the deceased, Jose C. Cabinta. Evidently, the respondent Commission ignored the presumption of legality of the marriage of petitioner Asuncion T. Cabinta to her deceased husband.[1] In the case of *Son Cui vs. Guepongco*, 32 Phil. 216, when a marriage certificate has been shown in evidence, whether regular or irregular and whatever form of the proof, the law raises the strong presumption of its legality. * * *. Likewise the presumption of legitimacy of the children[2] of the deceased has been disregarded. Besides respondent City of Manila has not challenged and disputed the evidences presented before the Acting Labor Referee to prove the filiation of the petitioners to the deceased. Neither did the respondent City impugn said documents before the respondent Commission. The respondent City of Manila only questioned the compensability of the death of Jose C. Cabinta and the timeliness of the filing of the claim. The respondent Commission therefore erred in holding that the evidences presented by the petitioners are insufficient to establish their filiation with the deceased. More-over, if the respondent Commission believed that the documents presented by the petitioners to prove their filiation with the deceased are not sufficient, it should have required the presentation of the proper evidences by the petitioners, such as the original or the certified true copy of the marriage certificate of Asuncion T. Cabinta and Jose C. Cabinta and of the record of births of the minor children from the local Civil Registrar but not to dismiss the claim outright. In this connection, paragraph 5, Section 49 of the Workmen's Compensation Act provides as follows:

"SEC. 49. Procedure.— Any dispute or controversy concerning compensation under this Act shall be submitted to the Commissioner as provided for herein.

* * *

Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may reopen said case, or may amend or modify said order, and such amended or modified order shall be final award unless objection be made thereto by petition for review. In case said referee does not amend or modify said order; he shall refer the entire case to the Commissioner, who shall there-upon review the entire record in said case, and in his discretion, may take or order the taking of additional testimony, and shall make his findings of facts and enter his award thereon. * * *."

Since under the aforequoted provision of the Workmen's Compensation Act, the Commissioner is empowered to take or order the taking of additional testimony in reviewing the entire record of the case, there is no plausible reason why he did not require the petitioners to present the necessary documents to prove their filiation with the deceased to better serve the ends of justice. Even Section 3, Rule 16, of the Rules of the Workmen's Compensation Commission states that:

"Upon receipt of an appealed case from the referee, the Chairman shall assign the case to any member of the Commission who shall thereupon review the case and he may affirm, reverse, or modify any decision, order or award as the law and facts may require, or take such other action as the interest of justice may demand."
(Italics supplied)

Pursuant to said rule, the respondent Commission should have required the petitioners to submit the proper evidences that it needed.

As to the claim of the respondent City of Manila that petitioners' claim was filed beyond the reglementary period, it has been repeatedly held by this Court that failure to file a claim within the statutory period does not affect the

jurisdiction of the Workmen's Compensation Commission.[3]

As to the question of the compensability of the illness, of the deceased Jose C. Cabinta, respondent City of Manila contends that there is no showing that (1) the illness suffered by the deceased while still in its employ was directly caused or aggravated by the nature of his work; (2) that said illness was the proximate cause of his death; and (3) that there was no more employer-employee relationship when the deceased contracted the disease that caused his death. There is no dispute that the illness of the deceased which ultimately caused his death took place in the course of his employment. It is now unquestionable that once the illness supervened at the time of the employment there is the rebuttable presumption that such illness arose out of the employment or at least was aggravated by such employment.[4] The burden to overthrow the presumption and to disconnect, by substantial evidence, the injury or sickness from employment, is laid by the statute at the door of the employer.[5] Hence, there is no more need for the claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show that the hypothesis on which he bases his claim is probable.[6] The claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of employment.[7] Thus, "the precise medical cause of the illness is not legally significant, as long as the illness supervened in the course of employment." [8] With the legal presumption, therefore, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation.[9] In the case at bar, it has been sufficiently established by the petitioners that Jose C. Cabinta suffered a "Completed stroke, Sec. to Embolism with right hemi-plegia" in the course of his employment with the respondent City of Manila. Hence, it was an error for the respondent Commission in not having sustained the claim of the petitioners.

IN VIEW OF ALL THE FOREGOING , the judgment of the Workmen's Compensation Commission reversing the award of death benefits in favor of petitioners is hereby reversed and set aside and the decision of the Acting referee, Regional Office No. 4, Manila, revived and rein-stated. No pronouncement as to costs. SO ORDERED.

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

[1] Section 5(bb), Rule 131, Rules of Court.— That a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage.

[2] Section 5(cc), Rule 131, Rules of Court.— That a child born in lawful wedlock, there being no divorce, absolute or from bed and board, is legitimate.

[3] National Development Co. vs. Esteban Galamgan, 38 SCRA 495, citing Operators, Inc. vs. Cacatian, 30 SCRA 218, citing MRR vs. Perez, 14 SCRA 504; Pampanga Sugar Mills vs. Vda. de Espelete, 22 SCRA 325, citing NDC vs. Ayson, 20 SCRA 192; NDC vs. Ronga-villa, 20 SCRA 1172; Victorias Milling Co. vs. WCC, 22 SCRA 1215; also Surigao Consolidated vs. WCC, 23 SCRA 820; MRR vs. Rivera, 23 SCRA 922; San Miguel Brewery vs. Vda. de loves, 23 SCRA 1093; Victorias Milling Co. vs. Dadivas, L-24985, March 27, 1969.

[4] Talip vs. WCC, G.R. No. 42571, May 31, 1976; Reynaldo vs. Republic, G.R. No. L-43108, June 30, 1976; Simon vs. Republic, G.R. No. L-42510, June 30, 1976.

[5] Magalona vs. WCC & NASSCO, 21 SCRA 1199, citing Itemcop vs. Florzo, supra.

[6] Abana vs. Quisumbing, 22 SCRA 1279, citing MRR vs. WCC & Pineda, L-18773, May 30, 1964.

[7] Magalona vs. WCC, supra, citing Justiniano vs. WCC, L-22774, Nov. 21, 1966, citing Agustin vs. WCC, L-19957, Sept. 29, 1964.

[8] Magalona vs. WCC, supra.

[9] Abana vs. Quisumbing, *supra*.

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