

CELSO A. CABREIRA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (GENERAL AUDITING OFFICE), RESPONDENTS.

G.R. No. L-43363. February 21, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in RO4-WC Case No. 143449 entitled "Celso A. Cabreira, Claimant, versus, Republic of the Philippines (General Auditing Office), Respondent" reversing the order of the Acting Referee of Regional Office No. 4, Department of Labor, Manila, and dismissing the case for lack of merit.[1]

On July 31, 1973, Celso A. Cabreira filed a Notice of Injury or Sickness and Claim for Compensation with Regional Office No. 4, Department of Labor, Manila, seeking disability compensation by reason of an illness resulting in the operation of his prostate gland which he alleged was caused by his employment with the General Auditing Office.[2]

After hearing, the Acting Referee of Regional Office No. 4 rendered a decision dated April 5, 1974 finding the claim compensable and awarding to the claimant P420.36 as disability compensation benefit and P7,212.50 as reimbursement of medical expenses.[3]

The Republic of the Philippines (General Auditing Office) filed a motion for reconsideration. Regional Office No. 4 referred the claim for disability compensation and reimbursement of medical expenses to its Rating Medical Officer, Dr. Edmundo Calaycay, for proper evaluation and report.[4] Dr. Calaycay submitted his memorandum report dated October 15, 1974 stating that claimant's temporary total disability was from May 4, 1973 to June 17, 1973.

On January 29, 1975, Regional Office No. 4 issued an order awarding to the claimant, now petitioner, the sum of P3,544.46 as reimbursement of medical and professional expenses, and the sum of P420.36 as disability compensation benefit.[5]

The Republic of the Philippines (General Auditing Office) appealed to the Workmen's Compensation Commission which rendered a decision dated March 3, 1976 reversing the decision of Regional Office No. 4 and dismissing the case for lack of merit on the ground that the illness of the petitioner was not due to his employment.[6]

The undisputed facts are that the claimant, petitioner herein, Celso A. Cabreira, was an employee of the General Auditing Office with a monthly salary of P472.26; that on May 4, 1973, he stopped working due to his illness diagnosed as "Benign Prostatic Hypertrophy, urinary tract infection and hyperurecemia" by Dr. Eufemio V. Macalalang, Jr.; that the petitioner was confined in the hospital until he resumed his work on June 18, 1973; and that he incurred medical expenses.

The illness of the petitioner supervened during his employment with the respondent, Republic of the Philippines (General Auditing Office). Hence, there is a disputable presumption that the claim is compensable.[7] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is not compensable.[8]

The petitioner did not rely on the disputable presumption alone. He presented evidence that he acquired his illness as a result of continuously holding his urination because his work prevented him from answering the call of nature regularly. While the employment of the petitioner might not have directly caused the illness of prostatic enlargement, there is no doubt that said illness was aggravated by the nature of the work of the petitioner.

The respondent, Republic of the Philippines (General Auditing Office), did not rebut the disputable presumption and the evidence presented by the petitioner.

The Acting Referee of Regional Office No. 4 awarded to the petitioner the amount of P420.36 as compensation due to temporary total disability for labor equivalent to sixty percent of his average weekly wage of P108.98 during the period he was incapacitated for labor. The petitioner was disabled for labor from May 4, 1973 to June 18, 1973 or forty-five (45) days. This computation is correct.

The Acting Referee of Regional Office No. 4 originally awarded the amount of P7,212.50 as reimbursement for medical expenses. This amount was later reduced to P3,544.46 for the following reasons:

"1.

That some of the medicines stated therein are not pertinent for his treatment;

2.

That the professional surgical fee, consultation fees and anaesthesiologist fee are exorbitant and do not conform with their existing revised standard medical fee schedule; and

3.

That some of the receipts were merely machine validated stubs and should therefore be disallowed; being not properly identified."

[9]

The amount fixed by the Acting Referee as reimbursement for medical expenses appears to be supported by proper receipts.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the Republic of the Philippines (General Auditing Office, now Commission on Audit) is ordered:

- To pay the petitioner the amount of Four Hundred Twenty Pesos and 36/100 (P420.36) as temporary total disability benefit;
- To pay the amount of Three Thousand Five Hundred Forty-four Pesos and 46/100 (P3,544.46) as reimbursement for medical expenses;
- To pay the petitioner the amount of Forty-two Pesos (P42.00) as attorney's fees; and
- To pay the successor of the Workmen's Compensation Commission the amount of Sixty-one Pesos (P61.00) as administrative fee.

SO ORDERED.

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

[1] Annex "M", Rollo, pp. 51-52.

[2] Annex "A", Rollo, p. 26.

[3] Annex "C-1", Rollo, pp. 29-33.

[4] Rollo, p. 39.

[5] Rollo, pp. 42-43.

[6] Rollo, pp. 51-52.

[7] Section 44, Workmen's Compensation Act; Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677.

[8] Balanga vs. Workmen's Compensation Com-mission, et al., 83 SCRA 721.

[9] Annex "I", Rollo, p. 42.

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