

DAVID MONDEJAR, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND NATIONAL WATERWORKS SYSTEM, MANILA, RESPONDENTS.

G.R. No. L-43154. May 31, 1977

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court reverses respondent commission's decision absolving respondent from liability under the Workmen's Compensation Act and instead reinstates the referee's decision upholding the compensability of petitioner's claim.

The referee's decision dated August 27, 1975 had found that "the sickness of the claimant [PTB, rheumatoid arthritis, hypertension and impaired hearing] arose out of and in the course of his regular occupation and/or was aggravated by the nature of such employment and fell within the provisions of section 2 of the Workmen's Compensation Act, as amended" and ordered respondent National Waterworks System "(T)o pay the claimant David Mondejar the total sum of Seven Thousand Three Hundred Sixty Nine and 98/100 Pesos (P7,369.98) as compensation and partial reimbursement of medical, hospital and physician's fees.[1] (Considering that the claimant is still undergoing medication and services, further reimbursement of such expenses will be made against the respondent upon presentation by the claimant of receipts for his medical services and physician's fees)," and the corresponding P61.-administrative fees.

The commission reversed the decision on the ground that while "(A)s early as 1962, he was allegedly suffering from PTB, hypertension, arthritis and loss of hearing He continued working and only on August 13, 1974, did he stop working when he retired. On January 21, 1975 he suffered a stroke which reduced him to a complete wreck," "there is no showing of a precipitating factor that triggered the stroke which in some way may be attributable to his employment."

The commission's decision must be set aside, as not being supported by the record and by the facts as extensively found in the referee's decision which duly established the compensability of petitioner's claim.

As stated in the referee's decision, petitioner was employed by respondent as a meter reader for 26 years since 1948 and "his duties were to go around Manila and suburbs, Quezon City and Caloocan City to make water meter readings of establishments and residential houses. With the growth of the cities around Manila, the volume of his work increased so that he had to make at least 100 meter readings in a day. In performing this kind of job, he naturally had to walk, regardless of the weather conditions, thus exposing himself to the mercy of the elements and to the dirt of industrial refuse because most of the meters are located in the backyard of the establishments or of residential houses. He had to start early even before office hours and wind up his day's work late in the afternoon. In most cases, he suffered delayed meals and physical fatigue."

The referee's decision further shows that "(A)s early as 1962, he became sick and he consulted Dr. Antonio Perlas of Quezon City and the son of the former Manager of the water system. He was found to be suffering from pulmonary tuberculosis, hypertension, arthritis and loss of hearing. Despite his illness, he continued to work

because of his family's economic demands as he is the only breadwinner in his family. He further declared that he made leaves with the office and went home to Ma-asin, Iloilo where he also consulted Dr. Numeriano Jalbuena and was found to be suffering from the same sickness and on August 12, 1974, he finally retired from the service. In less than six months after his retirement, he was attacked with cerebral thrombosis.

"In the physician's report (WCC Form No. 4) accomplished by Dr. Jalbuena, the latter opined that the cause of his illness was due to the nature of his work which requires him to travel everyday. The physician remarked that the patient could hardly walk due to paralysis of both legs and the attack he suffered last January, 1975 was the second as he had previous attack in 1972."

It is also noteworthy as stated in the referee's decision that because of his illnesses brought about by his work and his first attack in 1972, petitioner's condition had worsened to such an extent that he was constrained to retire at age 60 on August 13, 1974, soon after which he suffered in January, 1975 his second and near-fatal attack which "reduced him to a complete wreck" - in the commission's own language. This second attack was but the consequence of the illnesses which he suffered in the course of his employment. It is patent, therefore, that contrary to the commission's speculation, these illnesses were the "precipitating factors that triggered the stroke" which were "attributable to his employment" and consequently petitioner's claim to compensation under the Act must be upheld, in accordance with the law and settled jurisprudence.

ACCORDINGLY, respondent commission's decision is set aside and in lieu thereof, judgment is hereby rendered reinstating the referee's decision, with the addition that P600. -attorney's fees payable to petitioner's attorneys of record are herein awarded.

Makasiar, Antonio,* Muñoz Palma, and Martin, JJ., concur.

[1] This amount consists of P6,000.—maximum disability compensation and P1,369.98 for reimbursement of medical, hospital and physician's fees as per receipts duly submitted.

* Designated to sit in the First Division.

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