

BENJAMIN SEGOVIA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF POSTS), WORKMEN'S COMPENSATION COMMISSION (DEFUNCT), ASSOCIATE COMMISSIONER DIOSCORA C. ARELLANO AND HON...

G.R. No. L-46102. April 15, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

When the petitioner-claimant, Benjamin Segovia was employed as a clerk in the Bureau of Posts on July 16, 1971, he was of excellent health and good physical condition. In October of 1972, however, he began experiencing chest and back pains, severe coughing, body weakness, and rise of body temperature usually in the afternoons. The examining physician diagnosed the petitioner's condition as pulmonary tuberculosis. The petitioner underwent medical treatment for the ailment.

Sometime in December of 1972, he began complaining of nape pains, severe headache, dizziness, and sudden rise of his blood pressure. The examining physician diagnosed the ailment as severe hypertension. Again, the petitioner had to undergo medical treatment.

For the said illnesses, the petitioner filed a claim for compensation benefits before the then Workmen's Compensation Unit, Regional Office No. 4. On August 28, 1974, the said office found the sicknesses compensable and ordered the respondent, Bureau of Posts (Republic of the Philippines), to pay the petitioner disability benefits.

On February 19, 1976, the respondent filed a Motion to Modify Decision with the Regional Office. The said motion was denied but the records were elevated to the Workmen's Compensation Commission (WCC) for review.

Unfortunately for the petitioner, the then WCC reversed the decision of the regional office and found that the illnesses suffered by the petitioner were not compensable for the following reasons:

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x x x While claimant alleged that he was stricken ill with PTB and hypertension, there was nothing in the records to show that he ever suffered any disability as a result of said ailments. There is no showing that he ever went on a sick leave of absence. We agree with the respondent that the grant of non-scheduled disability is unjustified. x x x

Claimant alleged that he was afflicted with pulmonary tuberculosis. In support of his allegation that he was suffering from PTB claimant submitted a Physician's Report duly accomplished by Dr. Liberata H. Sealana. No X-ray report or finding was submitted to support his claim that he was really sick of PTB. It is unfair to the respondent for this Commission to give credence to the instant claim without the necessary X-ray report or finding. This Commission has consistently ruled against the compensability of claims based on pulmonary

tuberculosis ailment without the necessary X-ray report or finding.[1]

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The petitioner, thus, elevated this case to us for review on certiorari alleging that:

THE HONORABLE RESPONDENT COMMISSIONERS GRAVELY ERRED AND ABUSED THEIR DISCRETIONS WHEN THEY DISMISSED IN TOTO PETITIONER'S CLAIM UNDER ACT 3428, AS AMENDED, NOTWITHSTANDING THE FACT THAT THE APPEAL INTERPOSED BY RESPONDENT REPUBLIC OF THE PHILIPPINES WAS MERELY TO MODIFY THE DECISION INsofar AS PETITIONER'S NON-SCHEDULED DISABILITY WAS CONCERNED.

While the petitioner raises merely a procedural issue which does not affect adversely the cause of the respondent Bureau of Posts as the procedure taken by the regional office was pursuant to sec. 4, Rule 15 of the then Rules of the Workmen's Compensation Commission, we nevertheless reverse the appealed decision for being contrary to law and jurisprudence.

Doubts on whether or not tuberculosis is compensable have been resolved by us in favor of the claimant.[2] In fact, we have considered tuberculosis as an occupational disease[3] if it arose in the course of or was at least aggravated by the nature of the employment.

There is no dispute that the petitioner, when he joined the Bureau of Posts, was in good health. The nature of his job which included "sorting, indexing and filing correspondence, records and other documents, routing bags or telegrams received from proper circuits for transmission, tracing missing or untransmitted messages, checking and verifying informations x x x"[4] must have caused or at the very least, contributed to the aggravation of the petitioner's illnesses. Under the old workmen's compensation act which is the law applicable in this case, there existed a legal presumption of causation whenever an illness was contracted by an employee in the course of his employment.[5] The employer had the burden to rebut the presumption. In this case, the employer Bureau of Posts failed to do so. In fact, it never questioned the compensability of the sickness but only the amount of compensation awarded as shown by its motion to modify decision. The respondent employer instead, anchored its defense on the failure of the petitioner to exhaust administrative remedies in that the petitioner should have sought a review of the decision of the Workmen's Compensation Commission from the Secretary of Labor pursuant to PD 954 promulgated on July 6, 1976. On this regard, the respondent seeks the remand of the case to the proper body.

While this may be so, we cannot remand this case to the Secretary of Labor for this case has been pending for over 10 years now and a remand to the Secretary of Labor would unduly prejudice the parties, particularly the petitioner. Hence, in the interest of justice, we must dispose of this case on the merits and resolve it once and for all.

As we said, tuberculosis under the old workmen's compensation act was compensable. The law, being in the nature of social legislation, must be interpreted liberally in favor of the employee because the law was intended to protect his rights.[6]

The finding of the WCC that the petitioner is not entitled to disability compensation for the reason that he failed to submit an x-ray report cannot prejudice the compensability of the claim.[7]

For we have already ruled that an x-ray report/result is not an indispensable prerequisite to compensation (*Romero v. WCC*, 77 SCRA 483, 488 [1977]); and that the said x-ray finding need not be attached to the physician's report, because it can be logically inferred from the said report that a previous x-ray examination was made. Otherwise the physician could not have arrived at his diagnosis. (*Landayan v. WCC*, 77 SCRA 350-307

[1978)].[8]

The fact that there was no showing that the petitioner ever went on sick leave and suffered disability on account of the illness, should not preclude the petitioner from collecting disability benefits. As we said in *Corales v. ECC*.^[9]

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To limit the award of reimbursement of medical expenses to claimants who stopped working after being medically pronounced disabled, is to penalize the laudable efforts of a medically disabled workingman to make the best of his misfortune by continuing in his work. Both need medicines to cure their illnesses. To rule otherwise is to uphold unfair discrimination as well as inequitable principle and inflict gross injustice on one, like herein petitioner, who, despite his predicament, went on working, instead of immediately availing and enjoying the compensation benefits under the law in order that his illness may be timely arrested.

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WHEREFORE, the decision of the respondent commission is hereby SET ASIDE and respondent employer is hereby ORDERED:

- To PAY petitioner the sum of P5,568.84 as compensation benefits;
- To REIMBURSE the petitioner the medical and hospital expenses in the amount of P653.55;
- To PAY the petitioner's counsel on record the sum of P278.44 as attorney's fees;
- To PAY administrative fees.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

[1] Rollo, 24.

[2] *Leonardo v. WCC*, No. L-42069, January 15, 1979, 88 SCRA 58.

[3] *Bautista v. WCC*, No. L-43027, January 31, 1979, 88 SCRA 121.

[4] Rollo, 16-17.

[5] *Eliodoro T. Iscala v. Republic of the Philippines*, G.R. No. L-47414, December 11, 1987.

[6] *Security Services Unlimited Inc. v. WCC*, No. L-40739, January 30, 1976, 69 SCRA 269.

[7] *Bautista v. WCC*, *supra*.

[8] *Supra* on p. 132.

[9] No. L-44003, February 27, 1979.

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