

MANUEL ARIANZA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND CENTRAL AZUCARERA DE LA CARLOTA, INC., RESPONDENTS.

G.R. No. L-43352. February 28, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petitioner's claim for compensation under the Workmen's Compensation Act against his employer Central Azucarera de la Carlota, Inc. was dismissed by the Workmen's Compensation Commission sitting en banc in its decision dated December 27, 1975, reversing the decision of the Workmen's Compensation Unit of the Department of Labor, Sub-Regional Office No. VII, Bacolod City.

It appears from the records that as of 1960 petitioner was employed in private respondent company. Before he entered his employment he was subjected to a thorough medical examination and was found fit to work. His duties were packing bagasse, working both on day and night shifts for eight hours at P8.00 per day for a period of four (4) years. Subsequently, he was assigned as a piler of bagasse and lastly, assigned as a water tender in the fire-room at the mill department for three (3) years.

In his first and second assignments his work required strenuous physical effort and exertion. And, in his last assignment, his body was immersed in hot water up to his waist with the upper part of his body exposed to cold.

Petitioner noticed a general weakening of his body sometime in 1965. At first, he did not mind his illness. In April, 1972, he learned that his illness had become serious. He stopped working and was hospitalized at the expense of respondent company. A Physician's Report signed by Dr. Orville Varona advised petitioner to have a complete rest. His illness was found to be liver cirrhosis.

The sole issue in this case is the compensability of the illness of petitioner under the Workmen's Compensation Act. Under said Act, an employee is entitled to compensation of his illness either caused by the nature of his employment or aggravated by it.

Petitioner's first assignment was to pack bagasse. Because he was not provided with mask to protect him from small particles of bagasse, he inhaled these particles from time to time. After four (4) years, he was assigned as bagasse filer which required strenuous physical effort and exertion. He had to work either on day or night shift at 8 hours each shift. As water tender at the fire-room, his body was half immersed in hot water and the upper half was exposed to cold. All these duties of petitioner must have adversely affected his health. The presumption of causal connection remains unrebutted by substantial and credible evidence. Although his work might not be the direct cause of his illness, which is liver cirrhosis, yet his working conditions must have weakened his body resistance and aggravated said illness. The referee who conducted the hearing of this claim found, and we quote:

"It was established that claimant does not drink nor smoke. When he entered the service of respondent he was

subjected to a pre-employment medical check-up and was found fit for work. After he served the respondent, however, for ten (10) years he became a sick man. The illness of the claimant supervened in the course of employment with respondent. The Workmen's Compensation Act, as amended, establishes a presumption of causal connection in favor of claimant.

"The Supreme Court held:

'Cancer of the liver though not occupational disease may be deemed work-connected where there is a strong probability that working conditions have so affected employee's health and reduced his resistance to said disease' (Maria Cristina Fertilizer Corporation vs. Workmen's Compensation Commission, 60 SCRA p. 228)'.
'

"Another case in point led the Supreme Court to hold:

'When an employee dies on duty, the burden of proof to show that death was not work-connected shifts to the employer - what is not denied, and this is crucial insofar as the compensability of Eduardo Labiyo's death is concerned is that death came to the deceased when he was in active duty as an engineer employee of the petitioner. This being the case, the need to pinpoint the cause of death as work-connected, in order to render it compensable assumes very little importance (Visayan Stevedore and Transportation Company vs. Workmen's Compensation and Julieta Labiyo, 59 SCRA pp. 89-90).'

"It is presumed under Section 44 of Workmen's Compensation Act, as amended, that where the employee's death supervened in the course of employment, the same either arose out of or was at least aggravated by said employment, the burden of proof shifts to the employer to disconnect the illness from the nature of employment.

"It has been repeatedly held that the opinion of the company physician is not sufficient to overcome the presumption established by law in favor of the compensability of the illness once it is shown to have supervened in the course of employment. Dr. Jose Ferrer, in his letter addressed to the Chief, Workmen's Compensation Unit, dated August 28, 1973, said:

'although the cause is not clear, at least we know what do not cause it and alleged exposure to heat and cold is not included as etiologic factors in the development of the conditions.'

"Respondent's neglect to provide a mask to claimant while he was engaged in the piling and packing of bagasse exposed the latter to dust and particles. His exposure to heat and cold may have precipitated the aggravation of his illness. It is not required that employment be the sole factor in the development of the illness. It is enough that the employment, in one way or another, contributed to the development or aggravation of the illness" (pp. 16-17, rec.).

WHEREFORE, THE DECISION OF RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND PRIVATE RESPONDENT CENTRAL AZUCARERA DE LA CARLOTA, INC. IS HEREBY DIRECTED

I. TO PAY THE CLAIMANT MANUEL ARIANZA THE SUM OF FOUR THOUSAND TWO HUNDRED FORTY-FIVE PESOS AND 60/100 (P4,245.60) PURSUANT TO SECTIONS 18 AND 14 OF THE ACT, PLUS THIRTY-FOUR (P34.00) PESOS WEEKLY THEREAFTER UNTIL THE ILLNESS IS CURED OR ARRESTED BUT NOT TO EXCEED SIX THOUSAND (P6,000.00) PESOS;

II. TO PROVIDE CLAIMANT WITH SUCH SUPPLIES, APPLIANCES AND SERVICES AS THE NATURE OF HIS DISABILITY AND THE PROCESS OF HIS RECOVERY MAY REQUIRE AND THAT WHICH WILL PROMOTE HIS EARLY RESTORATION TO THE MAXIMUM LEVEL OF HIS PHYSICAL CAPACITY;

III. TO REIMBURSE CLAIMANT HIS MEDICAL, SURGICAL AND/OR HOSPITAL EXPENSES DULY EVIDENCED BY PROPER RECEIPTS;

IV. TO PAY CLAIMANT'S COUNSEL THE AMOUNT OF FOUR HUNDRED (P400.00) PESOS AS ATTORNEY'S FEES; AND

V. TO PAY THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, Fernandez, and Guerrero, JJ., concur.

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