

**ANA C. BARCENAS, PETITIONER, VS. THE WORKMEN'S
COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES
(BUREAU OF STANDARDS), RESPONDENTS.**

G.R. No. L-42624. February 29, 1988

Ponente: CORTES, J.

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CORTES, J.:

The Court had already ruled as compensable under the Workmen's Compensation Act disability or death due to diabetes mellitus, hypertension and myocardial infarction. These ailments afflicted the original claimant, who had long passed away, and so the decision of the Workmen's Compensation Commission disallowing the claim for benefits must be reversed.

The facts of the case are undisputed.

Sometime in November 1972, while on an inspection trip in Butuan City, Sergio C. Barcenas, then a Senior Commercial Agent of the Bureau of Standards, was taken ill and was diagnosed as being afflicted with diabetes mellitus and hypertensive vascular disease. Due to his poor health, he had to take a leave of absence. A few months thereafter, on April 14, 1973, he retired at the age of sixty-one (61).

On July 16, 1973, he filed a claim for disability benefits under the Workmen's Compensation Act which was controverted by the Bureau of Standards. He died due to "acute myocardial infarction, diabetes mellitus" on March 13, 1974 while his claim was still pending. On June 18, 1974, his wife, the petitioner herein, filed a claim for death benefits.

A decision was rendered on February 18, 1975 by Acting Referee Dionisio T. Tabucanon of the Workmen's Compensation Unit in Cebu City, ordering the Bureau of Standards to pay P5,400.00 to petitioner, P260.00 to her counsel as attorney's fees under section 31 of the Workmen's Compensation Act and P53.00 to the Workmen's Compensation Fund as administrative fee under section 55 of the Act.

A motion for reconsideration filed by the Solicitor General on behalf of the Republic was denied by the Acting Referee and, thus, the records of the case were elevated to the Workmen's Compensation Commission for review.

On December 12, 1975, the Commission rendered judgment setting aside the Acting Referee's decision and dismissing the claim, primarily anchoring its reversal on the argument that "[t]he illness of diabetes mellitus cannot be considered as having been contracted due to or in pursuance of his employment or as a result of the nature of employment because the same is caused by the presence of sugar in the blood and it is attributable to the eating and drinking habits or both of the individual."

Disagreeing with the decision of the Commission, petitioner filed the instant petition. After comments were filed by the Solicitor General and the Commission, the Court resolved on May 12, 1976 to treat the instant petition as a special civil action and to require the parties to submit their respective memoranda. On July 21, 1976, after the parties had filed their memoranda, the Court resolved to declare the case submitted for decision.

The petition is impressed with merit. The issue confronting the Court is nothing new. This Court had already adjudged the ailments that afflicted Sergio C. Barcenas compensable.

The succinct exposition in *Flores v. Workmen's Compensation Commission* [G.R. No. L-43540, March 14, 1979, 89 SCRA 89], where the Court, confronted with a comparable situation, ruled that diabetes mellitus was compensable under the Workmen's Compensation Act, bears repeating:

From the foregoing contentions, the determinative issue in this petition for review which We consider as a Special Civil Action for Certiorari, in order to expedite its resolution, is whether petitioner's illnesses, i.e., diabetes mellitus, with asthmatic bronchitis, pneumonitis and hypertension are compensable under the Workmen's Compensation Law, which, in turn may be resolved through a determination of whether or not said illnesses have been the direct cause of or were aggravated by his employment with respondent Development Bank of the Philippines.

This case is not one of first impression. In the very recent case of *Sevilla vs. Workmen's Compensation Commission, et al.*, the First Division of this Court speaking thru Justice Cecilia Munoz Palma, ruled in favor of compensability of diabetes mellitus quoting the oft-cited case of *Abana vs. Quisumbing*. This Court held: While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a 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.

The Court further emphasized that the exact medical cause of the illness of an employee is not significant, for, granted for argument's sake, that the evidence of the claimant is insufficient to show a causal link between the nature of his employment and his ailment, under the provisions of Section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that the claimant's illnesses which supervened at the time of his employment, either arose out of, or was at least aggravated by, said employment, and that with this legal presumption, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation. [*Italics supplied.*]

The Court relied on the same presumption accorded the employee by the Workmen's Compensation Act to hold that benefits were due the dependents of an employee who died due to massive myocardial infarction [*Talip v. Workmen's Compensation Commission*, G.R. No. L-42574, May 31, 1976, 71 SCRA 218].

In the instant case, the legal presumption of compensability was not rebutted by respondent Bureau of Standards.

Parenthetically, it may be mentioned that under the restrictive provisions of the Labor Code, which cast aside the presumption of compensability provided in the Workmen's Compensation Act, cardiovascular disease, which includes myocardial infarction, the cause of the death of the employee in this case, is listed as a work-related disease [*Sepulveda v. Employee's Compensation Commission*, G.R. No. L-46290, August 25, 1978, 84 SCRA 770; *Cortes v. Employees' Compensation Commission*, G.R. No. L-47503, October 30, 1978, 86 SCRA 140].

WHEREFORE, the decision of the Workmen's Compensation Commission in WCC Case No. R07-14058 is SET ASIDE and the decision of Acting Referee Tabucanon is affirmed in toto. This Decision is immediately executory.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

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