

JD TRANSIT, INC., PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND ESTANISLAO SISON, RESPONDENTS.

G.R. No. L-41431. February 28, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

In the decision of the Workmen's Compensation Commission of August 29, 1975, Estanislao Sison was awarded the following amounts to be paid by JD Transit, Inc.:

"xxx xxx xxx

"1. Pay claimant, the amount of TWO THOUSAND NINETY-ONE PESOS and 29/100 (P2,091.29) as disability compensation pursuant to section 14 of the Act.

"2. Pay claimant's counsel Atty. Rudy Rotairo, the sum of TWO HUNDRED PESOS and 12 /100 (P209.12) as attorney' s fee.

"3. Pay this Commission, the amount of TWENTY-SIX PESOS (P26.00) as administrative fee and cost of this review." (pp. 16-17, rollo)

The award was for compensation benefits corresponding the period from August 17, 1969 to September 11, 1970 arising out of Estanislao Sison's ailment of peptic ulcer which forced him to stop working as a bus driver of JD Transit on August 17, 1969.

JD Transit now seeks a review of the aforementioned decision alleging that there is no evidence in the record to show that Estanislao Sison suffered from severe abdominal pains due to ulcer which caused him to leave his work as a bus driver on August 17, 1969; that the truth is that Sison stopped driving for the simple reason "that he was not feeling well" as testified to by him; that what appears from the evidence of the claimant himself was that the latter was working with the Blu-Car Taxi at the time he sought treatment of his ailment on September 11, 1970.

On the other hand, the Workmen's Compensation Commission based on the evidence adduced by the claimant Estanislao Sison consisting of his testimony and documentary evidence made the following findings:

"Contrary to the allegation of the respondent, herein claimant was able to establish with substantial evidence

that the reason he stopped working with respondent was because of a disabling illness. Thus, it was shown that on August 17, 1969, he was not able to work when told to drive a bus by the management because of the severe abdominal pain brought about by his illness of ulcer. That claimant's illness was contracted sometime in 1967, while in the course of his employment with the respondent, and on two occasions, he was treated by a certain Dr. Cruz, a company physician. His illness was apparently aggravated that on August 17, 1969, the pains became unbearable that he could no longer perform his customary work. On complaint of frequent epigastric pains and occasional vomiting, claimant submitted himself for medical and x-ray examination at the Veterans Memorial Hospital on December 15, 1969, which showed that he was suffering from peptic ulcer. In the clinical history of the claimant, it is indicated that the ailment was aggravated by hunger and food intake. This is rightly so because, claimant while driving his bus usually took his meals irregularly." (pp. 15-16, rollo)

In view of petitioner's assertion that the claimant was working with another company at the time the claim was filed, We gave due course to the Petition and ordered the elevation of the records of the case. Examining the records We find however that the findings of respondent Commission were not controverted or overthrown by any evidence adduced by the petitioner herein during the hearing below.

It is significant that petitioner's company physician, Dr. Cruz, who was mentioned by the claimant as having treated him for epigastric pains, was not called to disprove such testimony.

The declarations of claimant that his peptic ulcer commenced while working with the JD Transit and that because of his sickness he had to leave the service of the company in August, 1969, are supported by the medical record of the Veterans Memorial Hospital. The X-ray report shows that on December 15, 1969, claimant sought medical attention at said hospital and the X-ray findings confirmed the existence of duodenal ulcer. (p. 1, WCC records) Although this particular medical examination at the Veterans Memorial Hospital was in December, that is, about four months after claimant left the service of petitioner, nonetheless, the medical findings are sufficient to corroborate the presence of the ailment on or before August, 1969, considering that the disease could not have been contracted nor could have reached an advanced stage within that short period following the cessation from work of claimant in August and the date of his examination in December, 1969.

Petitioner contends that at the time claimant Sison filed this claim with the Department of Labor on August 10, 1973, claimant was already working as a taxicab driver. As proof of that fact, Our attention is called to a clinical record of the Veterans Memorial Hospital marked as Exhibit "A-2" wherein in the personal data given to the hospital on September 11, 1970, the claimant gave his employment as a "taxi-cab driver." (p. 84, *ibid.*)

While it may be correct that on September 11, 1970, claimant Sison was working as a taxicab driver, the fact however is that in the same document, Exhibit "A-2", it is recorded as part of the clinical history of the patient that the latter's epigastric pains commenced even as early as 1964 and the ailment had aggravated when the patient was examined in 1969 and it was confirmed that he was suffering from duodenal or peptic ulcer.

At any rate, because of that particular circumstance that claimant was working as a taxicab driver on September 11, 1970, respondent Commission modified the award given by the Referee and considered the disability period to commence from August 17, 1969 to September 11, 1970, or "55-6/7 weeks."

The issues raised by petitioner in its Petition for Review center solely on the appreciation of the evidence of claimant.

It is well-settled however that the findings of fact of the Workmen's Compensation Commission are as a rule conclusive and binding upon this Court.[1] In *Alatco Transportation, Inc. v. Workmen's Compensation Commission*, the Court, through then Justice now Chief Justice Fred Ruiz Castro, declared:

"xxx Modification or reversal of the findings of fact made by the Commission may be justified only by the absence of substantial evidence in support thereof. Repudiation of the conclusions reached must be based on a patent showing of failure on the part of the Commission to properly evaluate the evidence on record or to consider fundamental and clear logical relationships in the evidence." (42 SCRA 391, 395)

And in *Industrial Textile Manufacturing Company of the Philippines v. Florzo, et al.*, the Court through Justice Conrado Sanchez had occasion to restate certain basic and fundamental principles in Compensation cases, viz:

"x x x the law presumes, in the absence of substantial evidence to the contrary, that the claim is compensable. The burden to disconnect, by substantial evidence, the injury or sickness from employment, is laid at the employer's door. xx xx So rigid is the rule that even where the cause of the employee's death is unknown - as petitioner claims - the right to compensation subsists. Reason for this is that the Workmen's Compensation Act is a social legislation; it is designed to give relief to the workman; therefore, to effectuate its purpose, it must be liberally construed." [2]

PREMISES CONSIDERED, WE AFFIRM the decision of respondent Commission with costs against petitioner.

So Ordered.

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] *Abong v. Workmen's Compensation Commission, et al.*, 1973, 54 SCRA 379; *Bacatan, et al. v. Workmen's Compensation Commission*, 1975, 67 SCRA 410; *William Lines v. Mondragon and Workmen's Compensation Commission*, 1971, 42 SCRA 48; *Alatco Transportation, Inc. v. Workmen's Compensation Commission, et al.*, 1971, 42 SCRA 391; *Pangasinan Transportation, Co., Inc. v. Workmen's Compensation Commission, et al.*, 1975, 63 SCRA 349

[2] 17 SCRA, 1104, 1110, citing: *Naira v. Workmen's Compensation Commission, et al.*, L-18066, October 30, 1962; *Agustin v. Workmen's Compensation Commission, et al.*, L-19957, September 29, 1964; *Vda. de Acosta, et al. v. Workmen's Compensation Commission, et al.*, L-19772, October 21, 1964; *Batangas Transportation Co. v. Rivera, et al.*, L-7658, May 8, 1956; *Vicente v. Workmen's Compensation Commission, et al.*, L-18241, December 27, 1963; and others.

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