

SIMEON OLBES, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND PHILIPPINE FABRIKOID, INC., RESPONDENTS.

G.R. No. L-43309. October 23, 1982

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5974258c6bc5/>

MAKASIAR, J.:

This is a petition to review the February 13, 1976 decision of the Workmen's Compensation Commission which affirmed the order of the acting referee dated October 17, 1975 dismissing petitioner's claim for compensation (pp. 14 and 17, rec.).

The initial facts as found by respondent Commission and subscribed to by petitioner are the following:

"The facts of this case are as follows: The claimant was employed by respondent as laborers with a daily wage of P8.30, working 6 days a week. On July 25, 1969, he contracted indirect hernia (inguinal) left side, acquired and/or either aggravated by a result of the nature of his employment (Physician's Report of Accident or Sickness); that he stopped working on September 14, 1971 and never returned to work anymore; that claimant's illness was known by respondent through Manuel Go; that this claim was filed on December 27, 1974; that a copy of the claim was furnished to the respondent; that a letter of controversion was filed on April 1, 1975" (pp. 17 and 18, rec.).

The year "1969" in the above factual findings of the respondent Commission which was restated in the petition for review, appears to be an error, since the notice of injury and physician's report indicate the year as "1966" (pp. 29 and 30, rec.).

The records disclose that on October 2, 1975, respondent company, Philippine Fabrikoid, Inc. filed its motion to dismiss on the ground that claimant's sickness is "not caused by accident due to and in pursuant of the employment neither the result of the nature of such employment" (p. 31, rec.; p. 33, WCC rec.).

On October 17, 1975, the acting referee of Regional Office No. 4 (Workmen's Compensation Unit) ordered the dismissal of petitioner's claim upon a finding that "claimant failed to present substantial and convincing evidence to justify a favorable consideration of his claim for disability benefits" (p. 14, rec.; p. 30, WCC rec.).

Acting on petitioner's request for assistance in following up his claim, the chief action officer of the Office of the President requested the Regional Director of Region No. 4 to consider the claim in the light of humanitarian consideration within the purview of the aims and purposes of the New Society. The Regional Office treated the said request as a motion for reconsideration of the order of October 17, 1975 and thus finding nothing therein which warranted a reversal of the order of dismissal, denied the request (motion) in an order dated January 30, 1976 and elevated the claim to the Workmen's Compensation Commission (pp. 21 and 26, WCC rec.).

In a separate motion for reconsideration dated February 7, 1976, petitioner requested for reconsideration of the order of October 17, 1975 and of reopening of the case to allow him to present his evidence. He further requested

therein that the case be elevated to the Workmen's Compensation Commission for review should the aforesaid request not be granted (p. 15, rec.).

On February 13, 1976, respondent Commission handed down its decision affirming the order of dismissal of petitioner's claim on the ground that there was no other proof, aside from the physician's report of accident and sickness, presented by claimant to substantiate his claim (p. 17, rec.; p. 19, WCC rec.).

Hence, this petition.

Petitioner alleges that his ailment (indirect hernia) is work-connected and the presumption of compensability under the Workmen's Compensation Act should favor him. Also, he alleges that respondent's controversion which was filed beyond the prescribed period of ten (10) days from notice and the latter's failure to reinstate its right to controvert the claim do not bar the right to compensation benefits (pp. 10 and 47, rec.).

Respondent, upon the other hand, maintains that herein claim is not compensable because petitioner's illness was not directly caused by his employment or was either aggravated by or the result of the nature of such employment (p. 59, rec.). Respondent has firmed up his allegation with the physician's report of sickness or accident accomplished by claimant's attending physician, Dr. Gregorio Mendiola (p. 30, rec.; p. 50, WCC rec.). Respondent likewise contends that petitioner's claim is barred by reason of the latter's failure to give notice of illness and to file the claim for compensation within the period allowable (p. 58, rec.).

WE find the questioned order of dismissal unwarranted and unjustified.

In finding that petitioner-claimant had not presented other proof to substantiate his claim aside from the physician's report, said Commission acted drastically without giving any thought to the underlying philosophy behind compensation claims. It even capitalized on the aforesaid report when it decided against compensability of petitioner's illness. Having relied solely on the physician's report, the Commission irresponsibly ignored certain decisive facts which petitioner has established and which have not been refuted by respondent. There is no showing whatsoever that respondent attempted to disprove the same. Thus, petitioner was employed as laborer by respondent company when he initially contracted indirect hernia on July 25, 1969. More importantly, respondent had knowledge of petitioner's illness through notice given to Manuel Go and such knowledge was confirmed by the fact that respondent defrayed the hospitalization and medical expenses of petitioner (per Notice of Injury or Sickness and Claim for Compensation, p. 47, WCC rec.). How can respondent now refuse petitioner's claim for benefits which arose from an ailment for which it previously afforded hospitalization and medical expenses? Simple logic, even common sense, would dictate that the presumption of compensability should more than ever, favor herein petitioner.

Petitioner suffered from and was hospitalized for indirect hernia (inguinal) which he acquired when he worked as laborer in respondent company. As such laborer his work included "the lifting of heavy plastic products weighing hundreds of kilos and transferring them to the bodega and placing them in trucks." Clearly, therefore, petitioner's hernia was caused by the tedious manual job of carrying heavy loads of plastic products (p. 15, rec.). This becomes evident in the report of Dr. Mendiola, the attending physician, wherein he stated that petitioner could resume any work "as long as he does not carry very heavy objects" (Item 15, p. 50, WCC rec.; underscoring supplied).

Inguinal hernia is hernia occurring in the groin; protrusion of intestine or omentum, or both, either directly through a weak point in the abdominal wall or downward into the inguinal canal (p. 483, Encyclopedia and Dictionary of Medicine and Nursing, Miller-Keane, 1972).

An indirect inguinal hernia (external or oblique hernia) leaves the abdomen through the intestinal ring, and passes

down obliquely through the inguinal canal, external to the deep epigastric artery (p. 670, Dorland's Illustrated Medical Dictionary, 24th Edition). Acquired hernia is one brought on by lifting or by a strain or other injury (ibid.).

This Court in many compensation cases has consistently and repeatedly upheld the presumption of compensability.

In the recent case of *LaO vs. Employees' Compensation Commission* (No. L-50918, May 17, 1980, 97 SCRA 780), WE thus enunciated:

"It should be stressed that as early as 1960, this Court, in the case of *MRR vs. WCC and Pineda*, ruled that compensability is not affected by the presence of extraneous factors causing or accelerating a claimant's illness. In reiteration, it further stated that '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 has contributed, even if 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 (*Abana, et al. vs. Quisumbing*, L-23489, March 27, 1968, citing *MRR vs. WCC & Pineda*, supra). x x x.

"In the *Abana* case, this Court further stated that the mere opinion of doctors regarding the non-causality of unknown illnesses cannot prevail over the presumption established by law. x x x.

"Furthermore, in the case of *Flores vs. WCC, et al.* (L-43540, March 14, 1979), this Court emphatically ruled 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, it is to be presumed that the claimant's illness 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 burdens to show causation."

As above-stated, the claimant does not merely rely on the legal presumption that his ailment was caused or aggravated by his work and therefore compensable, but also proves that his work included the lifting of heavy plastic products weighing hundreds of kilos, transferring them to the bodega and loading them on the trucks, which was not rebutted by private respondent.

It must be noted that respondent company did not present any other evidence to substantiate its contention that petitioner's illness was not work-connected except the physician's report. It was incumbent upon respondent to offset the presumption of compensability of petitioner's claim with stronger and conclusive evidence. Respondent failed in this task.

To cast aside any doubt, this Court has faced squarely the question of and ruled on the compensability of hernia. In the case of *Santos vs. Workmen's Compensation Commission* (L-43243, February 28, 1977, 75 SCRA 364), this Court said:

"American courts have held that hernia due to strain over a period of a few months (*Mill's case*, 155 N.E. 423) or resulting from strain suffered in such activities as lifting heavy timbers, lifting heavy bundles of paper, pushing a heavy box of pipe across a floor, pushing a heavy wheelbarrow, picking up a log, pulling a tong chain, lifting a bale of wire, and pushing a coal car in a mine, have been held compensable even though the injury itself constituted the only mishap (*5 Schneider vs. Workmen's Compensation Text*, 578-579 /Permanent

Ed./)."

The Court further stated:

"There is furthermore in favor of petitioner the well-settled doctrine that when an illness supervened during the course of employment, like petitioner's illness, there is the rebuttable presumption that the same arose out of or at least was aggravated in the course of his employment. And with that presumption the burden of proving by substantial evidence that the illness was not work-connected shifts to the employer and the claimant is relieved of the burden to show causation. In the instant case, there was patent failure on the part of respondent company to discharge that burden" (p. 369, *supra*).

Likewise, in the case of *Alabat vs. WCC* (L-43942, September 30, 1978, 85 SCRA 468), this Court awarded compensation benefits to petitioner public school teacher, who was afflicted with several illnesses including hernia.

Respondent's contention that petitioner's claim is barred by the latter's failure to give notice of his illness and file the claim within the period allowable does not hold water in the light of OUR previous rulings resolving this issue. It must be borne in mind that petitioner did notify respondent company of his illness through Manuel Go who, as appearing in the records, never denied nor refuted that such notice was given to him. In fact, said notice was properly acknowledged by respondent company when it paid for petitioner's hospitalization expenses. In the following cases, this Court thus held:

"It is now settled in this jurisdiction that failure on the part of the employee to comply with the requirements of Section 24 of Act 3428 - that of giving notice and filing of claim within the time prescribed in said section, is non-jurisdictional" (*Philippine Graphic Arts, Inc. vs. Mariano*, L-30979, October 26, 1973, 53 SCRA 409).

"Where the evidence shows that the company had actual knowledge of the illness of the employee and of his death, as well as the cause thereof, it is held that the absence of a formal notice of either cannot exempt the company from its liability under Section 24 of the Workmen's Compensation Act (*Insular Lumber Company vs. WCC*, L-25756, January 24, 1975, 62 SCRA 105, citing *Manila Railroad Co. vs. Vda. de Chavez*, L-20103, September 30, 1964).

"Respondent employer cannot escape liability by asserting that no notice was given by petitioner of his claim for compensation, for failure to give such notice assuming that there was no such notice, is not a bar to the proceedings for compensation if it is shown that the employer had knowledge of the illness, and such was the case here (Section 27, Workmen's Compensation Act)" (*Justo vs. Workmen's Compensation Commission*, L-43681, January 31, 1977, 75 SCRA 220; *Gallemit vs. Republic*, L-43390, February 28, 1977, 75 SCRA 382).

"The contention that the claim is barred because the notice of claim of compensation was filed beyond the reglementary period of two months as provided in Section 24 of the Workmen's Compensation Act, as amended, is without merit. It has been held that said defense is not jurisdictional and that the statutory right to compensation prescribes in ten years (Art. 1144 /2/ New Civil Code)" (*St. Anne's Hospital vs. WCC*, L-42694, October 24, 1978, 85 SCRA 721/).

And finally, respondent company's alleged controversion was filed only on April 1, 1975, beyond the period allowed by law. Having received notice of petitioner's ailment, respondent company should have filed its notice to controvert the right to compensation on or before the fourteenth day of disability - or 14 days from July 25, 1969 - or within ten days after it had knowledge of the illness as required under Section 45 of the Workmen's Compensation Act. Instead of giving notice of its intention to controvert the claim, respondent company acknowledged responsibility for petitioner's ailment by assuming payment of the latter's medical expenses. The failure of respondent company to comply with the required notice of controversion constituted a renunciation of

its right to controvert the claim. Neither was there any request for reinstatement of the right to controvert the claim.

Accordingly, WE have ruled that "what is undeniable is that the 'failure to controvert' is fatal to the defense of the claim having been filed out of time" (Pampanga Sugar Mills vs. Vda. de Espeleta, 22 SCRA 325 /1968/).

In *Bachrach Motor Co., Inc. vs. WCC, et al.* (L-8589, May 25, 1956), this Court said:

"Where the employer not only did not file any opposition to the claim for compensation within the prescribed period, but admittedly paid compensation by reason of the accident, the compensability of the claim could no longer be disputed."

WHEREFORE, THE DECISION OF THE WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND RESPONDENT COMPANY IS HEREBY DIRECTED -

1. TO PAY THE CLAIMANT -

A. THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS DISABILITY COMPENSATION; AND

B. THREE HUNDRED AND FORTY-FOUR (P344.00) PESOS AS REFUND FOR MEDICAL EXPENSES INCURRED;

2. TO PROVIDE THE CLAIMANT WITH SUCH MEDICAL, SURGICAL AND HOSPITAL SERVICES AND SUPPLIES AS THE NATURE OF THE AILMENT REQUIRES; AND

3. TO PAY THE SUM OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEE.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.