

**BETTER BUILDINGS, INC., PETITIONER, VS. SEVERO M. PUCAN,
DIOSCORO C. ARELLANO AND ROGELIO FERNANDO, RESPONDENTS.***G.R. No. L-42731. February 28, 1985*

Ponente: GUTIERREZ, JR., J.

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This is a petition for review of the decision of the Workmen's Compensation Commission which affirmed a letter-award issued by Regional Office No. 4 of the Department of Labor, awarding compensation benefits to private respondent Rogelio Fernando pursuant to Section 14 of the Workmen's Compensation Act.

Rogelio Fernando was hired by the petitioner as janitor in 1971 and subsequently was promoted as maintenance supervisor receiving P8.00 per day with P1.25 per hour of overtime work, working six (6) days a week. On April 18, 1974, he stopped working due to his illness diagnosed as "Hansen's Disease – Lepromatous - positive with claw hands on both." Consequently, he filed a notice of claim for workmen's compensation benefits.

The petitioner submitted its controversion upon the ground that the alleged ailment did not arise out of employment, was not the direct result thereof, nor was it aggravated by the same, but was caused by factors not related to private respondent's employment. To prove its allegation, the petitioner presented a certification of the Officer-In-Charge of the Leprosy Research and Training Center, Bureau of Disease Control, San Lazaro Hospital, showing that private respondent had been suffering from advanced Lepromatous (positive) since 1963. The petitioner claims further that Hansen's Disease is not an occupational disease and is not among those which have been held compensable.

The private respondent countered that when he joined the company in 1971, he was assigned as a janitor in Funeraria Paz, Claro M. Recto Street, Manila, and then at Funeraria Paz, Quezon City, and later on at the Manila Banking Corporation. As janitor of the two funeral parlors, the nature of work he performed was to sweep, scrub, and clean the parlors where cadavers lay in state. He also helped in dressing up the dead after they were embalmed; he gathered and disposed of the trash and garbage after the embalmer had done his job. He further averred that when he joined the company he was negative of Hansen's Disease. He admits that he was found positive of the disease in 1963 but he underwent treatment in the Central Luzon Sanitarium and on July 10, 1969, was declared negative of the disease and released from said hospital. To support his allegation, he submitted a certification (p. 47, Rollo) of the Medical Specialist, Chief, O.P.D., Central Luzon Sanitarium, to the effect that he was declared negative of the disease and eventually released on July 10, 1969. On April 15, 1974, he noticed his hands beginning to cripple like that of a claw, so he stopped working. Thereafter, he began to have facial disfigurement, claw hands on both hands, resulting in permanent disability for labor. When he submitted himself for examination he was declared by Dr. Vicente Noblejas, a leprologist, positive of Hansen's Disease. - Lepromatous - with claw hands on both. Therefore, according to him, his ailment reappeared in a more aggravated form during the period he worked with the company and as a result of the performance of his duties as janitor.

We find the petition to be without merit. While it is true that the private respondent was found to be suffering

from Hansen's Disease in 1963, there is likewise evidence that after undergoing treatment in the Central Luzon Sanitarium he was declared negative of the disease and released from the said hospital. Obviously, private respondent's illness was either non-existent or dormant prior to his employment in 1971 and its reappearance and aggravation may be traced to his weakened resistance to the disease due to his exposure to germs and bacteria and other stresses and infections while performing his duties as janitor in the two funeral parlors.

Moreover, this case falls under the provisions of the former Workmen's Compensation Act. It is already settled under that law that when an ailment is contracted and/or aggravated in the course of one's employment the burden of refuting the same by substantial evidence is upon the employer. In refuting the claim that the ailment of the private respondent was contracted and/or aggravated in the course of his employment, the petitioner relied on the physician's report of Dr. Vicente H. Noblejas of the Tala Leprosarium. The petitioner states that it is not categorically stated in the statement that the disease was due to the private respondent's employment with the petitioner.

The Physician's Report reads:

"9. (a) Was the injury or illness caused by accident due to and in pursuance of the employment? Maybe

(b) Or the result of the nature of such employment? Maybe

(c) Or aggravated by the employment? most probably

"10.

(a) Was the illness or injury contracted directly caused by the workmen's employment? Maybe

(b) Or the result of the nature of such employment? Maybe

(c) Or aggravated by the employment? most probably

"11.

Give your findings to support items 9 and 10. Please see attached result of Blood Smear."

It is likewise settled that the strict rules of evidence are not applicable in claims for compensation (*Cristobal v. Employment's Compensation Commission*, 103 SCRA 336; *De Vera v. Employment's Compensation Commission, et al.*, G. R. No. L-48669, promulgated, December 26, 1984). Probability and not the ultimate

degree of certainty is test of proof in compensation proceedings (National Housing Corp., v. Workmen's Compensation Commission, 79 SCRA 281). The very evidence of the petitioner shows probability of causation by the employment.

With respect to the contention of the petitioner that Hansen's Disease is not among the ailments which have been declared compensable, this Court in the case of Batangas Laguna Tayabas Bus Co. v. Workmen's Compensation Commission (99 SCRA 710) said:

"The contention that the Workmen's Compensation Commission erred in considering Hansen's disease (leprosy) compensable is without merit.

"It appears from the evidence of the claimant that his illness is traceable to his employment. Dr. Amado Ramos, as specialist on skin disease who diagnosed the illness of Leonardo Kalaw, testified that leprosy, like tuberculosis, is a system disease; that the specific cause is bacteria and the same can be acquired through body contact with a person harboring the germs; and that some of the participating factors leading to the development of the disease are the exposure to sudden changes of environment and temperature and the lessening of the body resistance of the person affected. (Rollo, p. 24)."

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"In G.B. Francisco, Inc. v. Workmen's Compensation Commission (87 SCRA 22, 30) this Court held:

"The Workmen's Compensation Act which governs the present situation expressly provides in its Section 44 that in the absence of substantial evidence to the contrary, it is presumed that a claim comes within the provisions of this Act. Time and again this Court stated that under this declaration of a benign and sound public policy, an employee is freed from the burden of proving that his illness or injury was caused or aggravated by the nature of his work. In fact, the cause of the ailment is immaterial; what is important is that it occurred or was aggravated in the course of employment and disabled the workman from pursuing his ordinary occupation."

WHEREFORE, the petition for review is DENIED for lack of merit. The decision of the Workmen's Compensation Commission appealed from is hereby AFFIRMED but MODIFIED to read as follows:

The petitioner is hereby ordered -

1. To pay the private respondent the sum of SIX THOUSAND (P6,000.00) PESOS as disability compensation benefits;
2. To pay SIX HUNDRED (P600.00) PESOS as attorney's fees; and
3. To pay SIXTY-ONE (P61.00) PESOS as administrative costs to the Ministry of Labor and Employment.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Relova, De La Fuente, and Alampay, JJ., concur.

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