

TEOFILA GUEVARRA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENT.*G.R. No. L-43099. May 31, 1977*

Ponente: MARTIN, J.

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Petition for review[1] of the decision of the Workmen's Compensation Commission reversing the award made by Acting Referee of Regional Office No. 5, San Pablo City in favor of petitioner Teofila Guevarra granting her compensation benefits.

Petitioner was employed by respondent Republic of the Philippines (Bureau of Public Schools) as a public school teacher from 1932 up to the Japanese Military Occupation, and then from 1948 up to September 1974. Upon assumption of her position as a classroom teacher she was found to be in perfect health. But sometime in 1972, she had an attack of severe dizziness and fell unconscious. When she regained consciousness she continued have a feeling of weakness in her left and lower extremities. Her attending physician diagnosed her illness as "Oartic Insufficiency." [2] Then sometime in June 1974, petitioner felt frequent sore, itchy throat and hoarseness of voice, with slight fever everyday, thus constraining her to stay at the Oriental Mindoro Provincial Hospital at Calapan, Mindoro until September 1, 1974 where she was found to be suffering from Pharyngitis, Pulmonary Tuberculosis and Essential Hypertension. [3] Later, she was confined at the Our Lady of Lourdes Hospital where upon consultation with an E.E.N.T. expert, she was advised to take a complete bed rest. With such condition of her health, petitioner was constrained to apply for retirement, which was in due time approved on September 16, 1974.

On January 8, 1975, petitioner filed her Notice of Injury or Sickness and Claim for Compensation with the Workmen's Compensation Unit No. 5 in San Pablo City. In said notice she alleged that she had given her employer, the Director of Public Schools, a notice of her illness since August 24, 1974. On January 13, 1975 respondent Republic filed an Employer's Supplementary Report of Accident or Sickness with a certification of the Senior Resident Physician of the Oriental Mindoro Provincial Hospital that the illness of the petitioner resulted in a permanent partial disability.

After due hearing, the Workmen's Compensation Unit, Regional Office No. 5, in San Pablo City rendered its decision awarding to petitioner compensation benefits for a total disability for labor from September 16, 1974 up to March 16, 1975 and for permanent partial disability due to Hypertrophic Pharyngitis, Essential Hypertension and Pulmonary Tuberculosis. However, upon review of the award by the respondent Commission, the same was reversed. In reversing the award of the Workmen's Compensation Unit No. 5, the respondent Commission concluded that the petitioner's ailment has no causal relationship with the nature of her employment.

Petitioner submits that her ailments of Hypertrophic Pharyngitis, Essential Hypertension and Pulmonary Tuberculosis are compensable under the Workmen's Compensation Act. The report of the Chairman, Division Investigating Committee on Claims under the Workmen's Compensation Act states in clear and unequivocal term:

"Inquiries made by the committee revealed that Mrs. Teofila B. Guevarra experienced dizziness, headaches and chest compression prior to an attack of severe dizziness and unconsciousness in school sometime in August, 1972. Dr. Buhay Medina, her attending physician diagnosed her case as OARTIC INSUFFICIENCY. Mrs. Guevarra had been suffering from occasional sensation of fullness of the throat for quite a number of years. She had been confined in the Oriental Mindoro Hospital from August 24 to Sept. 1, 1974 due to PHARYNX CONGESTION and body weakness. According to the findings of Dr. Carmen Leido Solitario, the claimant's attending physician at the Oriental Mindoro Provincial Hospital, as revealed in the herein Physician's Report of Sickness the claimant is suffering from essential hypertension, pharyngitis and PTB Minimal and that the probable cause is the nature of employment. Being a teacher she is subjected to hard work, tension and over use of her voice which predisposed her to hypertension and infections of the pharynx and lungs. Per physician's report the claimant's ailment has caused her total disability for labor for indefinite length of time.

It is the opinion of the committee that Mrs. Teofila B. Guevarra suffered from her illness due to the nature of her employment."

From the foregoing report it is evident that her ailments intervened during the course of her employment. Well settled is the rule that once the illness supervened at the time of the employment, there is the rebuttable presumption that such illness arose out of the employment or at least aggravated by such employment.[4] The burden to overthrow the presumption and to disconnect, by substantial evidence the injury or sickness from employment, is laid by the statute at the door of the employer.[5] And so there is no more need for the 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.[6] The claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of employment[7] which in this case, the respondent Republic has failed to discharge.[8] It also appears of record that claimant was constrained to retire at the age of 62 because aside from her weak physical condition, she could no longer make use of her voice for teaching purposes because of her Hyperthropic Pharyngitis. In other words she was physically incapable of performing her usual work and disabled for that purpose. Besides, her retirement at the age of 62 after having rendered long years of service to the government would not have been approved if she had not complied with the conditions prescribed for optional retirement pursuant to Memorandum Circular No. 133 issued by the Office of the President which among others provides that "all applications for optional retirement under Commonwealth Act No. 180, as amended by Republic Act No. 1616 and No. 4968 shall not be recommended for approval unless funds are available in the bureau or office concerned for the payment of applicant's retirement gratuity over and above the fund requirement of its programmed projects and activities and provided any of the following circumstances or conditions is present: 1. x x x; (2) The employee is below 65 years of age, is physically incapacitated to render further efficient service." The fact that her retirement at the age of 62 was approved simply shows that petitioner was physically incapacitated to render further efficient service and therefore she should be entitled to disability benefits allowed by the Workmen's Compensation Act.

Respondent Commission in opposing the claim of petitioner for disability compensation benefit makes capital of the tardiness in the filing of the notice of claim for compensation. It is insisted by respondent Republic that the notice of claim was dated January 8, 1975 and therefore the same could have been filed on or after said date. It appears on record, however, that although the notice of claim was dated January 8, 1975, petitioner made a reference in said notice of claim that respondent Republic had been notified of her illness as of August 24, 1974. Besides respondent Republic has long been aware of the illness of petitioner long before her retirement on September 14, 1974. In one case, this Court held that "failure on the part of the employee or claimant to comply with the requirements of Section 24 of Act No. 3824 is non-jurisdictional and that failure or delay in giving said notice is not a bar to the proceeding in the claim for compensation if it is shown that the employer, his agent or

representative has knowledge of the injury, sickness or death, or that the employer did not suffer by such delay or failure." [9]

IN VIEW OF THE FOREGOING, the judgment of the respondent Commission is hereby reversed and set aside, and that of the Acting Referee, Workmen's Compensation Unit, Regional Office No. 5, San Pablo City, is hereby reinstated with the further modification that respondent Republic (Bureau of Public Schools) should reimburse her for medical and hospital expenses properly receipted for until full recovery; pay to her lawyer 10% of the amount collected for disability benefits as attorney's fees and to the proper office P61.00 as administrative fee. Without pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Antonio, and Muñoz Palma, JJ., concur.

[1] Treated as Special Civil Action as per resolution of this Court dated June 25, 1976.

[2] Medical History of Illness, Exhibit "B".

[3] Exhibit "E".

[4] Talip vs. WCC, G.R. No. 42571, May 31, 1976; Reynaldo vs. Republic, G.R. No. L-43108, June 30, 1976; Simon vs. Republic, G.R. No. L-42510, June 30, 1976.

[5] Magalona vs. WCC & Nasso, 21 SCRA 1199; Cabinta, etc. vs. WCC, G.R. No. 42639, July 30, 1976.

[6] Abana vs. Quisumbing, 22 SCRA 1279.

[7] Magalona vs. WCC, 21 SCRA 1199 citing Justiniano vs. WCC, L-22774, November 21, 1966.

[8] Simon vs. Republic, G.R. No. L-42510, June 30, 1976.

[9] Manila Railroad Co. vs. WCC, L-21902, August 10, 1967.

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