

C. A. CHIONG SHIPPING CO. & C. A. CHIONG, PETITIONERS, VS. WORKMEN’S COMPENSATION COMMISSION AND MARIA SALVERON VDA. DE MADULA, RESPONDENTS.

G.R. No. L-24202. September 23, 1968

Ponente: DIZON, J.

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DIZON, J.:

Appeal from a decision of the Workmen's Compensation Commission dated December 14, 1964 ordering C.A. Chiong Shipping Co. and C. A. Chiong:

“1. To pay to the claimants, thru this Commission, the amount of FOUR THOUSAND and NO/100 (4,000.00) PESOS in lump sum as com-pensation;

“2. To pay to the claimants' legal counsel, thru this Commission, the sum of THREE HUNDRED and NO/100 (300.00) PESOS as attorney's fees and

“3. To pay to the Workmen's Compensa-tion Fund the amount of Forty-One and NO/100 (P41.00) PESOS as fees pursuant to section 55 of the Act.

SO ORDERED.”

It appears that the late Joaquin Madula was employed by C.A. Chiong Shipping Co. as Chief Engineer since 1954 at a monthly salary of P420.00. Before he was employed he was physically examined and was found to be physically fit for the job. As Chief Engineer he had two assistants and three oilers; the assistants worked under his supervision, while the oilers were under his and his assistants super-vision.

While their vessel was sailing Madula, as Chief En-gineer, generally stayed at the deck, while his assistants and oilers worked in the engine room - a place considerably hotter than the other places aboard.

In 1957 Madula was physically examined by Dr. Dolor-fino of the Cebu Chest Center and was found to be afflicted with pulmonary tuberculosis. This notwithstanding, he was only advised not to perform heavy work. Thereafter he sub-mitted himself to periodic medical treatment by the same physician, but in 1959 his sickness became worse and on August 8 of that year he died leaving a widow and nine children, all of them wholly dependent upon his monthly earnings.

In due time his dependents filed the corresponding claim for compensation, which the employer controverted.

The issue submitted below was whether or not the pulmonary tuberculosis which caused Madula's death on August 8, 1959 was directly caused by, or was, at least, aggravated by the nature of his employment. Upon the evidence presented the Hearing Officer arrived at the conclusion that the sickness that took Madula to his grave was neither directly traceable to the nature of his work nor aggravated by it, and, as a result, dismissed the claim as not being compensable. On appeal the Commission en banc reversed said decision, the Commission, upon con-sideration of the evidence, having arrived at the conclusion that while the tuberculosis that caused the death

of Madula was not caused exclusively by the nature of his work or employment, the least that could be said is that the latter aggravated it.

We agree with the Commission.

The main reason in support of the Hearing Officer's decision dismissing the claim for compensation was that the deceased, personally, did not perform heavy work, and did not stay in the engine room except when the vessel was docking or leaving ports of call. The following considerations of the Commission, through Commissioner Cesario Perez, fully answer this argument:

"However, we are of the opinion that the claimants' claim for compensation should have been upheld on the theory of aggravation. Even granting that the varied duties of the deceased as Chief Engineer did not require extraordinary physical effort, it does not follow that his pulmonary tuberculosis could not have been aggravated by the nature, conditions and incidents of his employment to the extent of causing his death. Experience shows that travel by boat may expose one to continuous jarring, specially in a rough sea (certainly, from 1957 when the late Joaquin Madula was first found suffering from pulmonary tuberculosis to August 8, 1959, when he succumbed to said illness, there must have been many such rough sea). This is true even for those who are accustomed to see voyages as the deceased. And if we add the fact that a person afflicted with pulmonary tuberculosis, more so in an advanced stage, must not only have complete rest but should also refrain from performing the work activities of even a normal individual, the only logical conclusion that may be drawn from the facts and circumstances obtaining in the case at bar is that the pulmonary tuberculosis which caused the death of Joaquin Madula was aggravated by the nature, conditions and incidents of his employment with the respondent. As a matter of fact at the time death overtook him on August 8, 1959, he was on board the M/S 'Eugene' where he worked as Chief Engineer. The circumstances that factors other than his employment might have also contributed to the aggravation of his pulmonary tuberculosis is of no moment, because under the Workmen's Compensation Law, the employment need not be the only cause of the acceleration of an illness to entitle one to compensation; it is sufficient if the employment contributed even in a small way to the worsening of the disease which resulted in disability or death. (The Law of Workmen's Compensation by Arthur Larson, Vol. I, p. 50).

"Moreover, even assuming that there exists some doubt as to the deceased pulmonary tuberculosis having been aggravated by his employment; such doubt, for the purpose of carrying out the intents of the Workmen's Compensation Act, as amended, should be resolved in favor of the claimants. (Adoracion Francisco, et al., v. Feliciano Consing, 63 Phil. 354; Añable v. Loyola, G.R. No. L-7789, May 27, 1955; Enoria vs. Atlantic Gulf, 30 O.G., Sept. 15, 1951, as cited in Batangas Transportation Co. v. Josefina N. vda. de Rivera, et al., G.R. No. L-7658, May 8, 1956).

"We, therefore, find that Joaquin Madula's pulmonary tuberculosis which caused his death was aggravated by the nature, conditions and incidents of his employment with the respondent."

The errors now attributed to the Commission by petitioners are the following:

"I. That the decision rendered by the respondent Workmen's Compensation Commission is not supported by evidence amounting to grave abuse of discretion, hence void.

"II. That the findings of facts and conclusion arrived at by the Hearing Officer which has been set aside by respondent Workmen's Compensation Commission is not in accordance with settled rules, jurisprudence."

As may be readily seen, the questions posed by petitioners go to the sufficiency or insufficiency of the evidence of record to justify the decision appealed from. We have examined that evidence and found it to be sufficient substantially to justify the findings and conclusions of the Commission.

WHEREFORE, the decision appealed from is affirmed, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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