

BATANGAS LAGUNA TAYABAS BUS COMPANY, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND LEONARDO KALAW, RESPONDENTS.

G.R. No. L-41253. September 11, 1980

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/647636bd6691/>

FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Workmen's Compensation Commission in RO5 WC Case No. C-764 entitled "Leonardo Kalaw, Claimant, versus, Batangas Laguna Tayabas Bus Company, Respondent", the dispositive part of which reads:

"WHEREFORE, modified as herein-above indicated, the decision appealed from is hereby AFFIRMED. Respondent is ordered:

- To pay to the claimant Leonardo Kalaw, thru this Commission, the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits under Sec. 14 of the Act;
- To pay to the claimant's counsel of record the sum of SIX HUNDRED PESOS (P600.00) as attorney's fee under Section 31 of the Act;
- To pay to the Workmen's Compensation Fund the sum of SIXTY-SIX PESOS (P66.00), including the review fee of P5.00, as administrative costs pursuant to Sec. 55 of the Act, as amended.

SO ORDERED.

Quezon City, Philippines, July 24, 1975."^[1]

On March 17, 1969, Leonardo Kalaw filed with Regional Office 5, Workmen's Compensation Unit, San Pablo City, a Notice of Injury and Sickness or Claim for Compensation based on an illness described by his attending physician as Hansen's disease (leprosy) which was allegedly the result of or aggravated by the nature of his employment as conductor with the Batangas Laguna Tayabas Bus Company.

After hearing, the Acting Chief of the Workmen's Compensation Unit at San Pablo City rendered a decision dated January 6, 1972, ordering the Batangas Laguna Tayabas Bus Company to pay the claimant P1,335.00 as compensation benefits under Section 14 of the Workmen's Compensation Act, to pay the office the sum of P14.00 as fee and to pay attorney's fees in the sum of P67.75 representing five percent (5%) of the total compensation due.^[2]

The Batangas Laguna Tayabas Bus Company appealed to the Workmen's Compensation Commission which affirmed the decision appealed from but increased the disability compensation benefits to P6,000.00, the attorney's fees to P600.00 and the administrative costs to P66.00 pursuant to Section 55 of the Workmen's Compensation Act.^[3]

The petitioner contends that the Workmen's Compensation Commission committed the following errors:

"1. THE WORKMEN'S COMPENSATION COMMISSION ERRED IN CONSIDERING HANSEN'S DISEASE (LEPROSY) COMPENSABLE AS THE SAME WAS ALLEGEDLY AGGRAVATED BY OR WAS THE RESULT OF THE NATURE OF EMPLOYMENT.

2. THE WORKMEN'S COMPENSATION COMMISSION ERRED AND COMMITTED A GRAVE ABUSE OF DISCRETION IN AWARDING DISABILITY BENEFITS BEYOND THE DATE OF CLAIMANT'S ACTUAL RETIREMENT AND EVEN AFTER CLAIMANT HAD BEEN FULLY RECOVERED FROM HIS ILLNESS."[4]

The facts, as found by the Workmen's Compensation Commission, are:

"The facts of this case are admitted. Claimant Leonardo Kalaw entered the service of the respondent BLTB Company, on October 31, 1963, as a conductor, until August 25, 1967 when he stopped working. His hour of work was from 1:00 PM to 8:00 PM and initially, the route of his trip was from San Pablo City to Santa Maria, Laguna and back. Later on he was assigned to the San Pablo City-Manila route. On June 19, 1966 he applied for sick leave for a period of 29 days, and the medical certificate submitted was that he was suffering from a generalized dermatitis. Then on March 28, 1967, he again applied for sick leave for a period of 10 days and the medical certificate presented was that he was treated for allergy. On August 25, 1967 he stopped working allegedly due to his illness. As a conductor, his duty was to give tickets to passengers and help carry their baggages. On October 3, 1967 he consulted Dr. Amado Ramos of Pasig, Rizal who is a specialist on skin diseases and who diag-nosed his illness as Hansen's disease or leprosy."[5]

The contention that the Workmen's Compensation Com-mission 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 precipitating 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.[6]

The claimant was a conductor of the Batangas Laguna Tayabas Bus Company. In the performance of his duties, it was inevitable for him to come in contact with different passengers who rode in the bus and to be exposed to persons harboring the germs. The nature of the work of Leonardo Kalaw exposed him to sudden changes of environment and temperature and the strain and stress of his work certainly lessened his body resistance. These factors could have contributed greatly to his affliction and the same factors could have led to the aggravation of his disease.

In *G. B. Francisco, Inc. vs. Workmen's Compensation Commission*,[7] this Court held:

"3. One last argument of petitioner is that leprosy known as "Hansen's Disease" is not an occupational ailment and has no connection with claimant's work as a painter.

"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."

The record shows that as early as June 19, 1966, Leonardo Kalaw was already suffering from dermatitis, which was later diagnosed as leprosy. He was treated for allergy on March 28, 1967. These are all diseases of the skin and are indications that his illness gradually developed up to the time he stopped working on August 25, 1967. He had been under treatment for said disease even up to the issuance of the decision of the Acting Chief of the Unit. The Compensation Rating Medical Officer of Regional Office 5 found that on July 8, 1971, Leonardo Kalaw was still positive of the disease. As of the date the Workmen's Compensation Commission decided the case, there was no showing that the illness of Leonardo Kalaw was already cured or arrested. This is the reason why the Workmen's Compensation Commission awarded to Leonardo Kalaw the amount of P6,000.00, the maximum compensation allowed by law for disability.

The Workmen's Compensation Commission neither erred nor committed a grave abuse of discretion in awarding disability benefits beyond the date of the claimant's actual retirement.

The claim for compensation was filed on March 17, 1969 only about one year and seven months after Leonardo Kalaw was retired from the service of the Batangas Laguna Tayabas Bus Company.

In *Cañonero vs. Workmen's Compensation Commission et al.*,^[8] this Court held that failure to file a claim for compensation within the period provided in Section 24 of the Workmen's Compensation Act does not affect the jurisdiction of the Commission to entertain said claim and that compensation under the Workmen's Compensation Act, as amended, is a liability vested by statute which prescribes in ten (10) years pursuant to Article 1144 (2) of the Civil Code.

The Workmen's Compensation Commission awarded the private respondent the sum of P6,000.00 as disability benefits because:

"In view of all the foregoing, we find the claimant herein entitled to disability compensation benefits under the beneficent provision of Act 3428, as amended, because the illness he contracted during his employment with the respondent impaired his earning capacity. There being no showing that his illness is already cured, or arrested, the period of his disability shall be computed up to the present. From August 25, 1967 up to the present (July 24, 1975), claimant is disabled for a period of 413 weeks. Sixty percent of his average weekly wage which was P41.34 is P24.92 and for 413 weeks, claimant is entitled to the sum of P10,291.96, reduced to P6,000.00, the maximum compensation allowed by law."^[9]

The foregoing computation is correct.

WHEREFORE, the petition for review is DISMISSED and the decision of the Workmen's Compensation Commission appealed from is hereby AFFIRMED.

SO ORDERED.

Teehankee, (Chairman), Guerrero, De Castro, and Melencio-Herrera, JJ., concur.
Makasiar, J., concurs in a separate opinion.

[1] Rollo, p. 26.

[2] Rollo, p. 14.

[3] Rollo, pp. 23-26.

[4] Rollo, p. 4.

[5] Rollo, p. 23.

[6] Rollo, p. 24.

[7] 87 SCRA 22, 30.

[8] 81 SCRA 712.

[9] Rollo, p. 26.

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

The petitioner employer should also be ordered to refund to private respondent employee his medical expenses and to furnish the latter continuous medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the process of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity or help him become physically independent. These rights or benefits are not included in the dispositive portion of the decision of the Workmen's Compensation Commission which is affirmed in toto by the main opinion. The latest case of *Biscarra vs. Republic, et al.* (L-43425, January 22, 1980) has ruled that the right to continuous medical, surgical and hospital services subsists in favor of those who are disabled, whether the disability is permanent or temporary. The main opinion does not even categorically state that the leprosy which afflicts respondent employee is permanent and incurable.

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.