

ESPIRITA B. BUENDIA, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND THE REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF EDUCATION AND CULTURE), RESPONDENTS.

G.R. No. L-44822. February 29, 1988

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review of the decision of the former Workmen's Compensation Commission which reversed the decision of Acting Referee Ignacio Valera of the Workmen's Compensation Unit, Regional Office No. 4, Manila and dismissed the claim for disability benefits filed by the petitioner Espirita B. Buendia.

The following facts of the case stated in the decision of the Acting Referee were based solely on the petitioner's evidence due to the failure of respondent Bureau of Public Schools to attend the hearings of the case:

"Claimant started working with the respondent, Republic of the Philippines (Bureau of Public Schools) on January 1, 1933 as classroom teacher after passing the required physical and mental examinations and was assigned in the Division of Ilocos Sur, with a last annual salary of P4,188.00 (Exhibit "B"). She handled elementary grade pupils, teaching all academic subjects such as Reading, Writing, Arithmetic, Music, Social Studies, Filipino, Home Economics and Language.

"Aside from teaching academic subjects, she had some homework to do such as lesson plans for the subjects to be taught, writing board-work, preparation of teaching aids and devices, and reading subject matter and references. She did these during nighttime usually from 8:00 P.M. to 11:00 P.M. Aside from this, she also attended to problems of students and some home visitations which in so doing, she was forced to hike distant homes, crossing streams and sometimes caught by heavy rains. Her schedule of duty was from 7:30 A.M. to 11:30 A.M., and then, from 1:40 to 5:00 P.M. She worked five (5) days a week, but on Saturdays she had to attend seminars and conferences.

"While in the employ of the respondent, claimant suffered from several ailments and upon consulting with her attending Physician, Dr. Alfredo A. Cedena, her ailments were diagnosed as Anemia, Hypotension, Articular Rheumatism and Diabetes (Exhibits "C" and "D"). Her first treatment was on September 11, 1970, when she called on Dr. Alfredo A. Cedena for consultation. After a thorough physical examination she was found to have Anemia, Hypotension, Articular Rheumatism and Diabetes. In the report issued by Dr. Alfredo A. Cedena, he ventured the opinion that the claimant's ailments were the result of the nature of her employment, that the same were aggravated by the nature of her duties as classroom teacher, and, that the said ailments resulted in claimant's permanent total disability for labor, so much so that he advised claimant to retire from the service for a complete rest as adjuvant to medical treatment. Among the medicines he administered to claimant are the following: Vigo, Hemotonino, Energin, B. Complex injections, Ergapyrin, Reipar injections, Ketazon Pills, Alaxan Pills, Intricon Pills, Polyferon Pills, Biocaldron Pills and diabenex tablets (Exhibit "D"). When the manifestation of body weakness became prevailing, the claimant applied for retirement for she felt that she could no longer continue working on account of her ailments. On August 26, 1973, the claimant was

effectively retired." (pp. 32-34, Rollo)

The Acting Referee decided in favor of the petitioner. He ordered the respondent Bureau of Public Schools to pay the petitioner the amount of Six Thousand Pesos (P6,000.00) as disability compensation benefits, the petitioner's counsel the amount of Three Hundred Pesos (P300.00) as and for attorney's fees, and the Workmen's Compensation Unit the amount of Sixty One Pesos (P61.00) as administrative fee.

On appeal to the Workmen's Compensation Commission, however, the decision was reversed for the following reasons:

"Claimant who was born on August 26, 1911, began her stint with respondent as such classroom teacher on November 1, 1933 and continued on working on August 26, 1973, when she retired at the age of 62 years old. She was never disabled from the start of her work up to her retirement. She worked continuously and uninterruptedly and had not exhibited any impairment in her earning capacity. She was, as the records disclose, not even absent from work, due to any illness, while employed with respondent. As she was never disabled from the start up to her retirement, although she was sick, or is still, and while working for respondent. What is compensated is not being mere sickness but must be accompanied by a disability to work the usual occupation she is appointed to perform.

"In the case at bar for failure to show disability for work during her tenure of employment the protective mantle of the Act, as amended will not extend to her claim." (pp. 40-41, Rollo)

The petitioner's counsel, the Citizens Legal Assistance Office, filed with this Court a motion to litigate as pauper after which the present petition for review on certiorari was filed.

The petitioner alleges that the Workmen's Compensation Commission erred in holding that her claim is not covered by the Workmen's Compensation Act because she failed to show that her disability occurred during her tenure of employment. She further avers that the Acting Referee's decision dated October 1, 1975 was already final and executory when respondent Bureau of Public Schools filed its appeal on November 7, 1975.

On the other hand, the respondent contends that there is no showing that the petition filed with the Court was seasonably filed. It claims that in the notice of the Commission's decision received by its counsel, it is stated that the petitioner's representative, Mr. Samuel Martin, was also sent a copy of the notice; that on September 16, 1976, eight (8) months after the Commission's decision, it received a copy of an unverified motion for relief from judgment filed by the petitioner's representative with the Compensation Appeal and Review Staff which was created under P. D. 954 to act on pending workmen's compensation cases; that on September 17, 1976, it received a manifestation filed by Mr. Martin with the Department of Labor, claiming that neither the petitioner nor her representative received a copy of the Commission's decision; and, that on October 1, 1976, it received a copy of a petition for extension of time to file a petition for review on certiorari filed by the petitioner alleging that she received a copy of the Commission's decision dated December 13, 1975 only on September 22, 1976. The respondent admits that the Commission's records were disorderly then due to the transfer of offices when the Workmen's Compensation Commission was abolished and a new agency created to take its place. It argues, however, that there is a legal presumption in favor of the Commission which states that "official duty had been regularly performed and that a communication duly directed and mailed was received in the regular course of the mail [secs. 5(m) and (v), Rule 131, Rules of Court]." (p. 54, Rollo)

In resolving this issue, we apply the case of *Aribon v. Workmen's Compensation Commission* (139 SCRA 492) where we held:

"It is a fundamental consideration of public policy and sound practice that at the risk of occasional error, the judgments of courts and awards of quasi-judicial agencies must become final at some definite date fixed by

law (Andres, Sr. v. Republic, 103 SCRA 623). However, the application of this rule is subject to the premise of regularity in the service of notices.

"The need for proper notice of any material action taken in all cases is fundamental to due process.

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xxx xxx xxx

"This claim was processed during the period when the Workmen's Compensation Commission was winding up its functions and preparing for the complete turnover of functions to the new Employees Compensation and State Insurance scheme. Due to a heavy backlog of claims being processed and decided, this period was marked by confusion in the matter of notices and other procedural requirements. But even if we assume a delay in the filing of an appeal, we must disregard it in the exercise of our equity jurisdiction.

"Having retired from his employment and having no means of income, the petitioner came to us as a pauper litigant. His case was brought to us on appeal through the free services of the Citizen's Legal Assistance Office.

x x x.

"Considering the circumstances and the basic merits of the case, we give due course to this petition in order to promote substantial justice." (at pp. 498-499)

Coming now to the merits of the case, we find that there is no dispute that the claim is covered by the former Workmen's Compensation Act and not the new Labor Code provisions. Thus, we only need to reiterate well settled principles and jurisprudence under the defunct Workmen's Compensation Act to resolve the issue at hand. As early as *Batangas Transportation Co. v. Vda. de Rivera* (99 Phil. 1025) in 1956 and *Bohol Land Transportation Co. v. Madanguit* (70 Phil. 685) in 1940 to *Felarca v. Bookman, Inc.* (127 SCRA 275) in 1984, this Court has consistently ruled "that it is to be presumed as mandated by section 44 of the Workmen's Compensation Act that the employee's illness, which supervened during his employment, either arose out of or at least was aggravated by said employment and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation." (*Vda. de Cardiente v. Workmen's Compensation Commission*, 134 SCRA 66, citing *Villavieja v. Marinduque Mining and Industrial Corporation*, G.R. No. L-43339, October 23, 1984)

In the absence of evidence to offset this legal presumption, we are left with no alternative but to rule in favor of compensability.

There is no merit to the respondent's allegation that to avail of disability benefits, the petitioner has to show her disability during her tenure of employment.

In the *Aribon* case earlier cited, we ruled that one who is compelled to retire from employment due to his disability is entitled to disability compensation benefits authorized by the Workmen's Compensation Act for persons suffering from permanent disability.

IN VIEW OF THE FOREGOING, the decision of the respondent Workmen's Compensation Commission is hereby REVERSED. The award made by Acting Referee Ignacio Valera is REINSTATED with the MODIFICATION that the amount of attorney's fees to be paid shall be increased from THREE HUNDRED PESOS (P300.00) to SIX HUNDRED PESOS (P600.00). The administrative fee shall be paid to the Department of Labor and Employment.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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