

ANGEL DE CASTRO, JR., PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS) AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-43289. February 28, 1977

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Aida Villamor de Castro was employed by the Bureau of Public Schools as a teacher at the Altura Elementary School in the City of Manila. Her service record shows that she entered the government service in a provisional status on August 6, 1965, was dropped on May 8, 1966, reappointed on July 14, 1966, dropped on April 30, 1967, but reappointed on July 7, 1967 this time in a permanent status, and served continuously until she died on February 1, 1975, of "congestive heart failure due to chronic rheumatic heart disease with mitral stenosis and insufficiency due to cardiac catheterization."

A claim for death compensation benefits was filed by Angel de Castro, Jr., husband of the deceased Aida de Castro, with the Regional Office No. 4 of the Department of Labor, on March 31, 1975 which was the last day for filing compensation claims occurring prior to the effectivity of the New Labor Code, Presidential Decree No. 442.[1]

In an order dated November 7, 1975, issued by Acting Referee Roberto Blanco of Regional Office No. 4, the claim of Angel de Castro, Jr. was dismissed on the alleged ground that said office was without jurisdiction inasmuch as the death of the employee occurred on February 1, 1975, during the effectivity of the New Labor Code. This order of dismissal was affirmed by the Workmen's Compensation Commission in its decision dated January 19, 1976, which held:

"We shall affirm the order of dismissal grounded on lack of jurisdiction because the record shows that from the period beginning January 3, 1975 to January 31, 1975, the claimant was not on sick leave of absence or on vacation leave of absence and must have been working for the respondent immediately prior to her fatal attack causing death on February 1, 1975 which was congestive heart failure and rheumatic heart disease with mitral stenosis. Her death on February 1, 1975 is cognizable under the Labor Code by the GSIS subject to appeal to the Employee's Compensation Commission.

"WHEREFORE, premises considered, the order appealed from is hereby, as it is affirmed without prejudice to the filing of this claim with the Government Service Insurance System, as the case may be, and with the further pronouncement that no service fee shall be charged against any of the parties as cost of review." (p. 28, rollo)

The claim is now before Us through this Petition filed by Angel de Castro, Jr. for a review of the decision of the respondent, now defunct, Workmen's Compensation Commission. Petitioner asserts that the Workmen's Compensation Commission gravely erred in disclaiming jurisdiction and in not awarding disability and/or death compensation to the claimant considering that the cause of action or right to claim for such compensation accrued from the very moment the employee Aida de Castro became sick as early as January, 1974, and was disabled to

continue with her work until she succumbed to her illness on February 1, 1975.

To Us the merit of petitioner's submittal on the questions of jurisdiction and compensability is self-evident. Aida de Castro's ailment occurred in the course of her employment, it was aggravated by the nature of her work, it disabled her from continuing with her classroom teaching since December 19, 1973, and there was no timely controversion by the employer notwithstanding its knowledge of the illness since said date, as will be shown below. The fact that Aida's death occurred during the effectivity of the New Labor Code did not divest the Workmen's Compensation Commission of its jurisdiction over the claim for compensation as the death was the direct result of an illness which supervened at a time when the Workmen's Compensation Act was in full force and effect.

In his Comment on this petition for review, the Solicitor General speaking for respondent Republic of the Philippines, argues, however, that what was filed here was a death claim and consequently, the cause of action arose not in 1974 but on February 1, 1975, the date of death; that no claim for sickness or disability benefits was ever filed by the employee during her lifetime which could be transmitted to her heirs upon her death; that inasmuch as the approved leave of absence of the employee ended on January 2, 1975, it is to be assumed that she was no longer sick and was able to return to work after that date during which time the New Labor Code was already in effect and the Government Service Insurance System and the Employees' Compensation Commission had acquired jurisdiction over the claim.

It is truly lamentable that a short-sighted appraisal of the situation resulted in the denial of petitioner's claim for compensation for the illness and death of Aida de Castro.

It is undisputable that, as found by Dr. Yolanda Sulit, Aida de Castro was afflicted with chronic rheumatic heart disease which resulted fatally into congestive heart failure. Heart or cardiac failure is a disease of the heart caused, among others, by infection,[2] and rheumatic fever is the most common causitive factor in heart disease.[3] Aida's rheumatic heart disease was chronic in nature, meaning that it had been in existence for a long period of time,[4] causing her to go on extended leave of absence without pay as shown in her service record thus:

"AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY

Due to illness - February 11 to April 25, 1970

Due to illness - February 24 to March 23, 1974

Due to illness - June 2, 1974 to January 2, 1975"

(p. 19, rollo, underline Ours)

The gravity of the illness of Aida was attested by no less than her "separation record" prepared by the respondent employer, Bureau of Public Schools, stating that Aida's last day of actual service was December 19, 1973, and since that date she was on sick leave at first with pay and later without pay after consuming her leave credit, until she died on February 1, 1975 which was the "effective date of her separation." [5]

All these facts were laid before respondent Commission by Aida's mother, Segunda Villamor, in whose favor a Special Power of Attorney was executed by Angel de Castro, Jr. on September 23, 1975, granting her authority to prosecute the claim.[6] Segunda Villamor likewise submitted a letter to the Chief of Regional Office No. 4 re-requesting that her claim be amended to one for sickness benefits,[7] but this communication was simply ignored by the Regional Office as well as by the Workmen's Compensation Commission.

With the amendment of petitioner's claim We hold that there was no legal impediment to an outright award for disability compensation although the employee, Aida de Castro, had not filed any claim during her lifetime.

The right to compensation for an illness which supervened and was aggravated in the course of employment is one that may be enforced by the heirs of the employee upon the latter's death notwithstanding the failure of the employee to file a claim for disability compensation. Such is the ruling of this Court in *Adelaida Vda. de Calado, et al. vs. Workmen's Compensation Commission and Acoje Mining Co., Inc.*, L-26149, April 30, 1971, which We reiterate.

In *Calado*, the employee, Tomas Calado, contracted tuberculosis in the course of his employment with Acoje and his illness was known to his employer, so much so, that the latter persuaded him to resign from the company; two years thereafter, Calado died of the same sickness. The widow and children of the deceased employee then filed a claim for death benefits. The Acting Referee who heard the case denied death benefits but granted physical disability benefits. On a motion for reconsideration of Acoje, the Workmen's Compensation Commission reversed the Referee's decision and absolved the employer holding inter alia that the heirs of the employee were not entitled to recover physical disability benefits because it is a right that personally belongs to the sick worker which is not transferable to his dependants upon his death. This Court set aside the decision of the Workmen's Compensation Commission and held among others, in the words of Justice Antonio Barredo:

"We do not hesitate to reverse the Commission's decision. It is clear to Us that the Acting Referee's decision which the Commission refused to affirm is more in consonance with the humane spirit of the Workmen's Compensation Act as a measure of social justice. Indeed, to recognize petitioner's claim as covered by the law, one does not have to resort to generous liberality in construing its provisions; all that needs be done is to apply them fairly and reason-ably so that the clearly discernible noble objective of their enactment may not be defeated. . . .

"xx xx xx xx

". . . had the respondent Commission only properly analyzed all the relevant circumstances of this case.....it would have undoubtedly realized that in the law in equity, and precisely because Acoje failed to comply with the mandatory requirement of the Act for it to report Calado's illness and controvert its resulting liability therefor an omission for whose consequences it should naturally suffer, Calado should be deemed a having effectively filed the required claim for disability compensation, within the meaning of Section 25 of the Act, the moment he reported to the company hospital and physician and was actually diagnosed and treated thereat for tuberculosis, a statutory compensable disease . . . as a matter of law, Calado must be considered as having actually filed the required claim, and, in consequence, his right to compensation for disability corresponding to the period up to his demise, had already accrued before his death and, accordingly, the same constitutes an asset of his estate transmissible to his heirs, herein petitioners, free, on account of its special nature, from any liens or obligations." (38 SCRA 567, 573, 583, 584)

The statement in the Comment of the Solicitor General (p.3.) that the *Calado* decision is not applicable to the case at bar because in *Calado* "the deceased-employee filed a disability claim during his lifetime" is completely erroneous. We cannot but emphasize that such mistaken assertions which may mislead the Court are to be avoided.

Aida de Castro is similarly situated as *Tomas Calado*. In the case of *Aida de Castro*, her employer, respondent Bureau of Public Schools, had knowledge of her illness and of its serious nature when she did not return to work from December 19, 1973, and was on con-tinued leave of absence due to such illness as shown in her service record, and yet the employer did not controvert the compensability of the illness as required in Section 45 of the Workmen's Compen-sation Act. Like *Tomas Calado*, *Aida de Castro* is deemed under the law to have actually filed a claim for compensation for her disability from the time she was unable to resume her classroom teaching, and her right to compensation survived upon her death and is enforceable by her heirs. Her failure to ask for continuation of her leave of absence from January 3, 1975, is understandable because as explained by petitioner

herein at that time Aida was in a critical period being "already in her last stretch against her battle with death" and it is a cruel and gratuitous assertion to assume that because there was no application for extension of sick leave from January 3, 1975, she was strong enough to go back to her work.

Failure to controvert results in ultimate admission of compensability and an employer cannot escape liability even if no formal notice was given by the employee of his claim for compensation when it is shown that the employer had in fact knowledge of the illness.[8]

The compensability of the ailment of Aida de Castro cannot be questioned. Her heart disease was incurred in the course of her employment and was aggravated by the strenuous work of teaching school children of tender age. In a number of cases decided in the year 1976 this Court upheld the compensability of heart failure of an employee. In *Talip vs. Workmen's Compensation Commission, et al.*, L- 42574, May 31, 1976, the deceased employee died of "massive myocardial infarction" while asleep in his home (per Teehankee, J.). In *Catibog, et al. vs. WCC and Republic of the Philippines*, L-43416, December 8, 1976, the employee was sick and died of "hypertensive heart disease with left ventricular hypertrophy hypercholesterolemia, angina pectoris." (per Makasiar, J.). In *Caparas vs. WCC, et al.*, L-42450, September 30, 1976, the employee suffered from "hyperthyroid heart disease and rheumatoid arthritis" (per Martin, J.). In *Leorna vs. Workmen's Compensation Commission, et al.*, L-42543, September 30, 1976, the laborer concerned died of rheumatism with heart complication (per Makasiar, J.).

In *Catibog*, it is worthy to note that Socorro Catibog, a public school teacher, filed on March 10, 1975 a claim for compensation benefits under the Workmen's Compensation Act for her illness of high blood pressure which occurred sometime on or prior to July, 1974 and caused her to go on sick leave on various occasions and eventually to retire on December 20, 1974. Her claim for compensation was granted by the Referee of Regional Office No. 5 for failure of the respondent employer to controvert the claim, but this was set aside by the Workmen's Compensation Commission. From that decision Socorro Catibog appealed to this Court and during the pendency of her appeal the Court received a notice of death showing that Socorro Catibog died on May 1, 1976 of "coronary thrombosis and hypertension." The Court awarded to the heirs of the employee, Socorro Catibog, "dis-ability and/or death benefits" in the amount of P6,000.00.

Our decision is therefor but a reaffirmation of the spirit and purpose; of the enactment of the Workmen's Compensation Act which is a social legislation to effect social justice,[9] a welfare measure,[10] conceived under the "doctrine of man's humanity to man,"[11] which "humane spirit" has found itself in the Philippine Constitution of 1973 which provides in its Section 9, Article II, Declaration of Principles and State Policies, that the State shall afford protection to labor.

IN VIEW OF THE FOREGOING, We hereby set aside the decision under review, and order respondent Republic of the Philippines (Bureau of Public Schools):

(1) to pay the heirs of Aida de Castro the following:

- a. Six Thousand Pesos (P6,000.00) representing disability and/or death benefits;
- b. Two Hundred Pesos (P200.00) as burial expenses;
- c. Six Hundred Pesos (P600.00) for attorney's fees; and

(2) to pay Sixty one Pesos (P61.00) as administrative fee.

So Ordered.

Teehankee, (Chairman), Makasiar, Concepcion, Jr., and Martin, JJ., concur.

[1] The New Labor Code, which took effect on November 1, 1974, abolished the Workmen's Compensation Commission and in its stead, the Employees' Compensation Commission was created. The Code vests the original and exclusive jurisdiction over claims arising from disability of private employees on the Social Security System and of government employees on the Government Service Insurance System. To allow the Workmen's Compensation Commission to wind up its affairs and "to enable the Department of Labor, the Social Security System, the Government Service Insurance System and the Philippine Medical Care Commission to perfect the organization of the Employees' Compensation Commission and all the programs under it," Presidential Decree No. 608 was issued, suspending the effectivity of the operation of Titles II and III or Book IV of the same Code on "Employees' Compensation and State Insurance Fund" and "Medicare", respectively, from November 1, 1974 to January 1, 1975. To provide guidelines as to the disposition of claims arising during the transition period, Presidential Decree No. 626 was likewise issued, thus introducing new provisions to the New Labor Code, Title II, Book on Prescription of Offenses and Claims of the original Labor Code finally reads as follows:

"Art. 281. Money claims. - x x x

"Workmen's compensation claims accruing prior to the effectivity of this Code and during the period from November 1, 1974 up to December 31, 1974, shall be filed with the appropriate regional offices of the Department of Labor not later than March 31, 1975; otherwise, they shall be forever barred. These claims shall be processed and adjudicated in accordance with the law and rules at the time their causes of action accrued." (As amended by P.D. No. 626, Section 3)

"Art. 286. Termination of the workmen's compensation program - The Bureau of Workmen's Compensation, the Workmen's Compensation Commission and the Workmen's Compensation Units in the regional offices of the Department of Labor shall continue to exercise the functions and the respective jurisdictions over workmen's compensation cases vested upon them by Act No. 3428, as amended, otherwise known as the Workmen's Compensation Act, until March 31, 1976. x x x " (As amended by P.D. No. 865-A, Section 1.)

"Art. 289. Disposition of pending cases. - x x x

"All workmen's compensation cases pending before the Workmen's Compensation Units in the regional offices of the Department of Labor and those pending before the Workmen's Compensation Commission as of March 31, 1975, shall be processed and adjudicated in accordance with the law, rules and procedure existing prior to the effectivity of the Employees' Compensation and State Insurance Fund." (As amended by P.D. No. 850, December 16, 1975)

To further implement the provisions of Title II, Book IV of the Code, the Employees' Compensation Commission adopted on March 17, 1975 the "Rules on Employees Compensation." The rules provide in part:

"Rule III - Compensability

"Section 1. Grounds - (a) x x x

"(c) Only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall be compensable under these Rules."

[2] Frank vs. Atlanta Life Insurance Co. 211 SWR, 2d Series 940

[3] GRAY'S Attorney's Textbook of Medicine, Second Edition, pp. 531-532

[4] SCHMIDT'S Attorney's Dictionary of Medicine, p. 171

[5] p. 20, rollo

[6] pp. 15-16, *ibid.*

[7] p. 17, *ibid.*

[8] See Section 27, Workmen's Compensation Act; *Calado vs. Workmen's Compensation Commission, et al.*, *supra*; *Justo vs. Workmen's Compensation Commission, et al.* L-43681, January 31, 1977, First Division, among others.

[9] *Chua Yeng vs. Roma, et al.*, L- 14827, October 31, 1960 as per Reyes, J.B.L., J.

[10] *National Development Co. vs. Galamgam*, (1971) 38 SCRA 495, per Fernando, J.

[11] *Valencia vs. Workmen's Compensation Commission, et al.*, July 30, 1976, per Muñoz Palma, J., citing *Mobile & O.R. Co. v. Industrial Commission of Illinois* 28 F. (2d) 228, 229.

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