

SANTIAGO VICENTE, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND GONZALO PUYAT & SONS, INC., RESPONDENTS.

G.R. No. L-18241. December 27, 1963

Ponente: PAREDES, J.

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PAREDES, J.:

Petitioner Santiago Vicente had been in the employ of respondent as plant mechanic since July, 1952, with a monthly salary of P150.00. On March 30, 1957, while he was in the performance of his duties, going up a ladder to clean a boiler gauge, he fell, his chest and the back of his head hitting a cement wall. He became unconscious immediately after the fall, but regained the same, after an hour or so, and continued to work. At the end of two weeks after the said fall, or on April 29, 1957, he informed the respondent, thru Manager Gonzalo Puyat, that he was not feeling well. He exhibited some loss of memory; he could not work normally because he could not remember what he was going to do with the work. Mr. Puyat recommended him to Dr. Limson of the Philippine General Hospital (PGH), for treatment. From April 29, 1957, he was confined at the PGH, until August 1, 1957. Petitioner's illness was diagnosed as cerebral vascular disease, atherosclerotic with infarction and focal cerebralatrophy Exh. B, Annex C of petition. From May 9 to May 13, 1958, petitioner was again hospitalized, as his illness grew progressively worse and was then diagnosed as "cerebral atrophy with encephalopathy probably secondary to cerebral arteriosclerosis". He was still having purposeless movements on the right lower extremity, amnesic of past events and could recall only the immediate past.

During the period of confinement, petitioner filed a claim for compensation (Form No. 1), under Act No. 3428, as amended (R03-WC Case No. 298), with the Regional Office No. 3, of the Department of Labor, for the injury and consequent disability, resulting from the accident met on March 30, 1957. On October 31, 1957, respondent company filed its Employer's Report of Accident or Sickness (Form No. 3), claiming that it did not have knowledge of the injury or the accident.

The hearing Officer rendered judgment, the pertinent portions of which recite—

"When Mr. Santiago Vicente suffered the fall in March 30, 1957 while working' in the respondent's shop he already had the 'cerebral arteriosclerosis'. And since, according to Dr. Apostol, this disease was due to the hardening of the brain arteries which is the manifestation of the aging process, it could not therefore be held traceable to the fall. Claimant merely imagined that his present loss of memory and involuntary movements of extremities was directly caused by his fall in March 30, 1957, when all the time the cause of such sickness existed even before the accident. Even Dr. Ceasar Catindig presented by claimant as his witness who was consulted by Mr. Vicente in November, 1958, agreed with Dr. Apostol that claimant's arteriosclerosis was a part of the aging process.

Premises considered we find that the illness on which the claim is based and resulting disability was not directly traceable to the fall which hit the claimant's head in March 30, 1957 while in the course of his employment. The cerebral arteriosclerosis was part of the aging process and existed as early as January,

1957—long before the accident. The loss of brain substance and hardening of the brain arteries had no casual relation whatsoever with the accident that befell the claimant.

"Wherefore, we regret to have to decree the dismissal of the instant claim for Insufficiency of evidence to support the issuance of an award. Without costs."

On August 5, 1960, the Commissioner of the WCC affirmed the decision of the hearing officer, stating among others, the following—

"In this case, the claimant was able not only to continue his work after his accidental fall without any ill effects whatsoever, but also for so many days thereafter. He allegedly exhibited loss of memory only after the lapse of more than two weeks after the accident. Consequently, we are impelled to conclude that the manifestations of the illness of the claimant which disabled him for labor was the result of the natural progress of his cerebral arteriosclerosis and not due to any aggravation caused by his accidental fall."

Petitioner moved for a reconsideration of the above decision and prayed that claimant be allowed to:

1. Present additional evidence to show that his disease or ailment was aggravated by the accident;
2. That a joint examination be conducted on the claimant by an expert, designated by the parties; and
3. The motion for reconsideration be set for argument for a more vivid ventilation of the issues.

On February 21, 1960, the WCC, en banc, denied the motion for reconsideration, neither did it allow petitioner to present additional evidence or to hold a joint examination of claimant.

The case is now before this Court on a Petition to Review on Certiorari, claimant raising four (4) issues, which may be summed up into the single proposition of whether or not the Alleged pre-existing illness of petitioner of cerebral vascular disease, atherosclerosis with infarction and focal cerebrotropholy (hardening of the cerebral arteries), was aggravated by the accident in question.

The Commission, in refusing to award compensation to petitioner relied mainly on the findings of the PGH that the principal complaint of petitioner when admitted at the Hospital on April 29, 1957, was "Uncontrollable movements of the right lower extremity" which allegedly started four (4) months before his admission, or in January 1957. The Commission concluded that disability which manifested itself and prevented petitioner from performing his work, was independent from the accident; rather it was the natural progress of his illness of cerebral arteriosclerosis. Upon the other hand, petitioner contends that his illness and subsequent disability were the direct result of the accident and/or aggravated by it and that the conclusions of the Commission are not supported by the evidence on record.

The Workmen's Compensation Act, among others, provide—

"Sec. 2, Grounds for Compensation. —When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation * * *."

The findings of the Commission seem conclusive to the effect that on March 30, 1957, the petitioner while in the act of going up the ladder to clean a boiler gauge of respondent's machine, fell therefrom, causing his chest and back of his head to strike the cement wall. Respondent and the Commission asserted that there was no injury, basing such conclusion on the fact that immediately after the fall (an hour or so after), the petitioner continued to work and it was only until after two weeks that he complained to the management. The conclusion seem to be off tangent to the testimonial evidence presented during the hearing, and to the very nature of things. When

claimant-petitioner was confined at the PGH for the second time (May 9, 1958 to May 13, 1958), the illness was found to be "cerebral atrophy with encephalopathy probably secondary to cerebral arteriosclerosis." Dr. Apostol, explaining the cause or causes of the illness, testified—

"Q—

style='font-size:9.5pt;font-family:Verdana'>Such disease of encephalopathy would be due to numerous causes you mentioned before? (encephalopathy—any degenerative disease of the brain).

A—

style='font-size:9.5pt;font-family:Verdana'>Yes, sir.

style='font-size:9.5pt;font-family:Verdana'>* * *.

Q—

style='font-size:9.5pt;font-family:Verdana'>So that it is possible that an injury could have caused also this encephalopathy?

A—

style='font-size:9.5pt;font-family:Verdana'>Yes, sir. It is possible.

style='font-size:9.5pt;font-family:Verdana'>What kind of injury?

style='font-size:9.5pt;font-family:Verdana'>Quite severe injury.

Q—

style='font-size:9.5pt;font-family:Verdana'>Traumatic injury is what?

A—

style='font-size:9.5pt;font-family:Verdana'>As a result of a fall or drop (force effort).

Q—

style='font-size:9.5pt;font-family:Verdana'>So a traumatic injury could have caused encephalopathy?

A—

style='font-size:9.5pt;font-family:Verdana'>Yes, sir. Force exerted on the skull or on the Head, (tsn. pp. 31-32, Nov. as, 1958).

Dr. Catindig, Chief Ncurosurgery Department, V. Luna General Hospital, said—

"Q—

style='font-size:9.5pt;font-family:Verdana'>According to D11. Apostol, his ailment Is also identified as encephalopathy. Now, my question is, what bearing has that finding to the ailment suffered by Mr. Santiago Vicente?

A—

style='font-size:9.5pt;font-family:Verdana'>Cerebral atrophy with encephalopathy can be brought about by cerebral arteriosclerosis and it can also be brought about by head injury" (tsn. pp. 16-17, July 17, 1959).

Both Doctors Apostol and Catindig, shared the opinion that the illness manifested by petitioner was quite abnormal for his age. Thus, it was declared—

"Q—

style='font-size:9.5pt;font-family:Verdana'>Now, he also testified that such ailment or manifestation is quite abnormal for Ms age. Do you agree with Dr. Apostol?

A—

Dr. Apostol, on the same point, gave a clear answer in stating—

"Q—

So you mean to say then Doctor, that the hardening of the arteries manifested by Mr. Santiago Vicente wits a normal or abnormal change?

A— Abnormal.

Q— When you say abnormal, what do you mean to say? Do you mean to say that person of his age would have suffered such degree of arteriosclerosis under normal circumstances?

A— Yes, sir." (ten. p. 24, Nov. 28, 1958).

And it has been said:

"* * * Nevertheless, in the presence of arteriosclerosis, each trivial injury, even a severe strain, may have serious results * * ." (Reed and Emerson, op. cited, p. 99).

The above testimonies and authority bring to the fore, the probability that the encephalopathy suffered by petitioner was the necessary result of the accident or that same accident was the cause of the aggravation of the arteriosclerosis which in turn developed into encephalopathy. It can be concluded that had petitioner not met the accident, he could not have suffered the arteriosclerosis of such degree, which is abnormal to a person of his age, such disease "being very rare in the young (like petitioner who was 48 at the time of accident), and common to those over 50 years (Textbook of Medicine, Cevil and Loeb, 1254).

Respondent WCC pointed out that the arteriosclerosis of petitioner was already in existence before the accident, and it could be independent to the accident. Granting the same to be true, still the WCC erred in not awarding compensation. The pre-existence of an illness is not a ground for disallowance.

"Where a claimant's chair fell when he leaned back too far and mental confusion resulted from striking his head when he fell it was held on conflicting medical testimony that the disability was due to an aggravation of a pre-existing cerebral arteriosclerosis and an award of compensation was sustained." (Oklahoma Ry. Co. vs. Voss, 187, Okl. 622, 105 p. (2) 218 (1940), cited in Schneider Textbook on Workmen's Compensation. Vol. 4, p. 84).

"* * * by reason of an accidental injury, an employee's dormant condition of arteriosclerosis was caused to flare up. It was held that he was entitled to full compensation notwithstanding the fact that tit the course of time, the disease itself would have caused a complete disability." (Gillespie vs. Vermont Hosiery & Machine Co. et al., cited in supra, p.486).

The fact that the acceleration of the disease and its development to encephalopathy took place after the accident, shows, a connection between the accident and the acceleration.

"Where a workman suffering from, chronic arteriosclerosis, while engaged in the performance of his duties, was frightened by an explosion and jumped from a ladder injuring himself and thereby accelerated his condition, he suffered a compensable injury." (North western Refining Co. vs. State Industrial Commission, 291, p. 533, 145 Okl. 72).

"Where a, man in an advanced stage of arteriosclerosis wag struck on the head by a. basketball which ruptured a blood vessel the evidence was held to sustain a finding that the injury received at the time of the accident

caused his death." (Milwaukee vs. Industrial Commission, 151 N.W. 247, 160 Wis. 238).

"Where the claimant was infected prior to his engagement by the company or subsequent thereto, or during his employment, an infection, not detected by the company or insurance physicians, if aggravated by the nature of the claimants work, to the extent of disability and being laid from work, is compensable." (Blue Bar Coconut Co., et al. vs. Boo, G.R. No. L-8920, Sept. 28, 1954) also (Banyero vs. Atlantic Gulf & Pacific Co., G.R. No. L-12093, cited in Workmen's Compensation Law by Morabe & Inton, p. 111).

The Commission, in trying to disassociate the accident from the illness and subsequent disability, expressed the opinion that immediately after the fall there were no outward manifestations that an injury was suffered, This may be true, but whether the effects of the accident were immediately manifest did not preclude the presence of internal injury.

"* * *, if it can be shown that the cerebral hemorrhage followed an injury to the head or an unusual strain, aggravation of the pre-existing condition should be recognized." (H.H. Kesler on Accidental Injuries, 584-870.

"How long a time between the accident and the illness and yet the illness be the result of the accident? No time can be arbitrarily set down. Many persons who at first suffer a little, later develop very serious symptoms. If it be shown that, notwithstanding the existence of arteriosclerosis, the man was in good condition, and that dating from the accident mental and physical decay began, it is reasonable to suppose that the injury was the exciting cause," (Osler & McCrae, Modern Medicines Its Theory and Practice, p. 649).

Indeed, there was no visible lesion shown on the petitioner's anatomy. But here is a person who had been sound and healthy, for five (5) years during his employment with respondent company; and soon after his severe fall, he was already suffering from an illness which crippled him for work. Even a severe strain may have serious results. There was the smoke, there must have been a fire; the effect itself, showed the cause; the occurrence told its own tale.

The petitioner's claim should be upheld, not only because the presumption of compensability was not destroyed by respondent company's evidence, but also because the Workmen's Compensation Act is a social legislation designed to give relief to the workman who has been the victim of an accident in the pursuit of his employment and must be liberally construed, to attain the purpose for which it has been enacted (Eneria vs. Atlantic Gulf & Pacific Co., of Manila, 38 Off. Gaz., Sept. 15, 1951).

Having reached the above conclusion, it is not deemed necessary to pass upon other issues raised in the appeal.

In view hereof, the decision of the Workmen's Compensation Commission, dismissing petitioner's claim for compensation for alleged insufficiency of evidence, is hereby reserved, and another entered, ordering respondent Gonzalo Puyat & Sons, Inc., to pay petitioner such compensation as the law provides after a computation thereof shall have been made by the respondent Commission. With costs against respondent company.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala and Makalintal, JJ., concur.

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