

ANNA LAURIO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-43640. November 21, 1979

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Review of the February 6, 1976 decision of the respondent Commission, affirming the November 12, 1975 order of dismissal of the Acting Referee in RO6-WCU Case No. 129585 - a claim for compensation filed on March 31, 1975 by petitioner with the Department of Labor's Workmen's Compensation Unit, Regional Office No. VI, at Naga City.

Petitioner had been in the service of respondent employer from October 1, 1959 to August 31, 1970, as a classroom teacher; and from September 1, 1970 to June 26, 1974, as Principal I and II (Annex A, p. 34, WCC rec.). Thereafter or on June 27, 1974, she transferred to the Commission on Elections as Election Registrar of Camarines Sur (Annex A, *ibid*, p. 21, WCC rec.).

The records disclose that while still connected with respondent employer, Bureau of Public Schools, or specifically from October 1, 1973 up to March 15, 1974, petitioner was on sick leave (Annex A-1, *ibid*.) by reason of sinusitis, goiter and chronic bronchitis. Petitioner narrated the history of her illness as well as other circumstances related thereto, thus:

"x x x x x.

"That before my appointment I had undergone a thorough physical examination and was found out to be free from any kind of ailment and therefore very much fit for service.

"That from the time of my appointment I had been so devoted to my work as a matter of fact I don't have any record of leave or absences of any sort for I don't want class disruptions.

"That sometime in 1966 I had felt some sort of pain in my neck, headache, palpitation, nervousness and weakness. The said feeling was on and off that I just did not mind it. After several weeks I found out that there was a swelling part in my neck. I used to get tired easily, and experienced irritability. I could no longer do the work which I used to do like lifting of heavy things, desks and tables for example. The moment that I do it I have to suffer from great palpitation, weakness, nervousness, accompanied by head ache. When I consulted the doctor I was found out to have goiter. I was given some sort of treatment thinking that it could be removed without being operated. However such medication served only as a reliever but not cure.

"Sometime in 1970 I was terribly attacked with another ailment dominated by frontal head ache, palpitation, weakness, nervousness, dizziness, colds and irritability. This time in addition to goiter, I was found to have another ailment and that is sinusitis, the cause of which is due to allergy to chalk, dust and staying out late in the evening. As a teacher whenever our service is needed, anytime we have to do it. So we used to stay late at night especially during literary musical contest, scouting, encampment and training. Such activities aggravated

my illness so that I had no other recourse but to submit for operation and treatment. I am very much susceptible to terrible colds which usually result to bronchitis.

"I was then forced to file my leave last September 30, 1973, to submit for physical check up in Manila. So last October 1, 1973 I went to the GSIS Hospital and consulted an EENT (specialist). It was found out that my sinus and goiter are all at its advanced stage and must be operated. I felt I could not bear double operation, so I only submitted for goiter operation and treatment of my sinus. Before I was operated I had undergone some sort of observation and pre-operation treatment to be sure that my body is ready for medicine. I was given some vitamins and other medicine. While on this stage I got ill with acute bronchitis. After my recovery I submitted for operation. After my operation I was advised to rest for two months. Last January 25th evening I took the prestige train for Bicol bound for Masbate in order to be ready to (be) reinstate(d) in February 1974. Unluckily while on the way I was attacked with high fever that I could no longer bear it to the extent that I was taken to Our Lady of Mediatrix Hospital Iriga City, half conscious by a co-passenger from Iriga City who happened to be my seatmate. I was serious enough that I stayed there from January 26 to March 11, 1974.

"x x x x x x" (pp. 21-22, WCC rec.).

On March 12, 1975, the Acting Referee dismissed the claim of petitioner on the ground that her illnesses had no causal relation with the nature of her work with respondent employer (pp. 16-17, WCC rec.).

Petitioner filed a motion for reconsideration (pp. 9-12, WCC rec.); but the same was denied on December 15, 1975 by the Chief of the Workmen's Compensation Unit (p. 8, WCC rec.), who immediately ordered the elevation of the records to the respondent Commission for its review.

On February 6, 1976, the respondent Commission affirmed the dismissal order for the reasons that: "x x x x the illnesses of sinusitis and goiter can neither be caused nor aggravated by employment. Sinusitis is due to simple colds caused by virus infection while goiter is the enlargement of the thyroid gland caused by lack of iodine in the food and drinking water taken x x x" and that with respect to petitioner's bronchitis, the same "is caused by bacterial infection and it occurred at a time when claimant was not working, because she was then enroute to resume her work, hence, the theory of causation and/or aggravation cannot apply."

Hence, this petition which WE subsequently treated as a special civil action.

The records indubitably show, and WE so rule, that the respondent Commission committed a grave abuse of discretion in affirming the Acting Referee's dismissal order, which WE find patently contrary to law and controlling jurisprudence.

I

1. It is indisputable that the illnesses of petitioner supervened in the course of her employment with respondent employer, it appearing that she was in good health, having undergone and passed the required physical examination, when she started work with respondent employer on October 1, 1959; and in 1973, or after a period of about fourteen (14) years, she was found sick of sinusitis, goiter and chronic bronchitis, for which reason, she went on sick leave from October 1, 1973 to March 15, 1974. Her goiter started as early as 1966; while her sinusitis began in 1970. That incontrovertible fact calls for the application of the rebuttable presumption that said illnesses arose out of, or were at least aggravated by, the nature of petitioner's work; hence, compensable. Consequently, respondent employer assumes, by force of the presumption, the burden of establishing the contrary by substantial evidence. As there was no evidence presented by the respondent employer to rebut the presumption of compensability, the same became conclusive (*Pantoja vs. Republic of the Philippines*, 87 SCRA 443 [1978]; *Despe vs. WCC*, 75 SCRA 350 [1977]).

2. The fact that petitioner's chronic bronchitis occurred when the claimant was on sick leave does not, contrary to the opinion of the respondent Commission, constitute a drawback to its compensability for the reason that her chronic bronchitis was traceable to or was caused or aggravated by her other illnesses. For as opined by Dr. Guillermo C. Laman, Compensation Rating Medical Officer of the Workmen's Compensation Unit of Regional Office No. VI, "x x x All of these diseases are of the respiratory tract or system. It appears therefore that the case of nasal congestion, 'sinusitis' and the acute bronchitis she suffered before goiter surgery ran to a series of syndrome to become chronic eventually becoming a chronic bronchitis", and that "all these respiratory diseases of sinusitis, acute bronchitis at the earlier part of her illness, were aggravated by the post operative weakened condition and resistance of the claimant to such a stage that was prone to become ill of chronic bronchitis is service-connected (p. 6, WCC rec.). Relatedly, WE have ruled that an employee as a matter of public policy is entitled to vacation and sick leave in order to improve their health and physical well-being. The days that they are on vacation are still part of the period of their employment and if during this period an employee suffers injury or illness, such injury or illness will be deemed as having arisen out of his employment and therefore compensable (Aranzaso vs. Sagnit, 71 SCRA 608 [1976]).

3) There can hardly be any doubt that petitioner's ailments were work-connected and therefore compensable. Her uncontradicted medical evidence (Annexes B, C, D, E, and F, pp. 35-39, WCC rec.) is to the effect that her illnesses were the result of the nature of her work. Indeed, petitioner by reason of her work as a classroom teacher and principal was continuously exposed to the dust of the chalk and blackboard which may have caused infection in her respiratory system and ultimately led to her aforementioned respiratory diseases.

II

Furthermore, petitioner's right to compensation appears not to have been controverted by the respondent employer. Consequently, it is barred from raising non-jurisdictional defenses, especially the non-compensability of the petitioner's illnesses.

III

1. Petitioner therefore suffered temporary total disability and under Section 14 of the Workmen's Compensation Act, as amended, she is entitled to a disability compensation equivalent to sixty per centum of her average weekly wage for the duration of her disability which was from October 1, 1973 to March 15, 1974 or twenty-two weeks. Her salary with respondent employer preceding her disability was P5,112.00 per annum which was her rate since June 30, 1972 (p. 34, WCC rec.); hence, her average weekly wage was P106.50. Sixty per centum of P106.50 is P63.90. Therefore, petitioner is entitled to the sum of P1,405.80 as disability benefits (Sections 14 and 19, Workmen's Compensation Act, as amended).

2) Petitioner's claim for medical expenses was for the amount of P3,298.70. However, the Compensation Medical Rating Officer reduced the same to P1,891.60 for various reasons (p. 7, WCC rec.). Petitioner did not expressly question this reduction although she prayed to be awarded the original amount of P3,298.70, which appears to be supported by receipts (Annexes G to G-28, WCC rec.).

WHEREFORE, RESPONDENT EMPLOYER IS HEREBY ORDERED

1. TO PAY PETITIONER THE AMOUNT OF ONE THOUSAND FOUR HUNDRED FIVE PESOS AND 80/100 (P1,405.80) AS DISABILITY BENEFITS;
2. TO REIMBURSE PETITIONER HER MEDICAL EXPENSES IN THE AMOUNT OF THREE THOUSAND TWO HUNDRED NINETY EIGHT PESOS AND 70/100 (P3,298.70);

3. TO PAY ATTORNEY'S FEES IN AN AMOUNT EQUIVALENT TO 10% OF THE TOTAL AWARD;
AND

4. TO PAY THE SUCCESSOR OF THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

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