

URSULA VDA. DE CLEMENTE, FOR HERSELF AND FOR HER CHILDREN NAMELY: MARITA, EDNA, AMELIA, ROBERTO, ANTONIO AND REYNALDO, ALL SURNAMED CLEMENTE, PETITIONERS, VS. THE WORKMEN'S COMP...

G.R. No. L-42087. April 08, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari, treated by the Court as a special civil action,[1] of the decision of the Workmen's Compensation Commission[2] reversing the decision of the Acting Referee which granted death compensation benefits to the claimants.[3] The antecedents of the case are as follows:

The deceased Ricardo Clemente was employed as a machine set-up man by respondent Rattan Art & Decorations, Inc., assigned to the Preparation Section, working six (6) days a week from 6: A.M. to 11:00 A.M. and from 12:00 noon to 3:00 P.M., earning a daily wage of P10.30.

On 21 February 1974, at about 1:40 A.M., Ricardo Clemente, while asleep, died of acute cardio-respiratory failure, with manifest pulmonary infarct, cardiac dilatation and marked visceral congestion.[4] He was at the time of death forty-nine (49) years old. The deceased was survived by his widow, Ursula vda. de Clemente and six (6) minor children, who filed on 17 March 1975 a claim for death compensation benefits under the Workmen's Compensation Act, on account of the death of said deceased.

In a decision[5] dated 10 September 1975, the Acting Referee of the Workmen's Compensation Commission rendered a decision in favor of the claimants. The dispositive part of the decision reads as follows:

"WHEREFORE, premises considered, judgment is hereby rendered ordering the respondent Rattan Art and Decorations, Inc., to pay through this office and in lump sum:

- Claimants the death compensation in the sum of SIX THOUSAND PESOS (P6,000.00) plus the burial expenses in the sum of TWO HUNDRED PESOS (P200.00) PESOS, through Ursula Clemente, the legitimate mother of the above-named children;
- Their counsel, Abraham M. Perez, the sum of P300.00; and
- This Office the sum of SIXTY ONE (P61.00) PESOS as fees pursuant to Section 55 of the Act, as amended."

On 22 September 1975, private respondent moved for reconsideration of the decision of the Acting Referee but the same was denied in an order dated 23 October 1975.[6] Pursuant to Section 49 of the Workmen's Compensation Act, the motion for reconsideration and the records of the case were referred to the Commission for review. The decision of the acting referee was reversed, the Commission upholding the allegations of the private respondent that the cause of death of the deceased is what is commonly known as "bangungot," that it is non-compensable, and that the claimants failed to establish the fundamental preliminary link to connect the death

of the deceased to his work, thereby justifying a denial of the claim of herein petitioners,[7] hence, this petition.

Petitioners claim that the work of the deceased was not only strenuous but debilitating and weakening on the constitution of the deceased, so much so that in the years 1973-1974, he was always complaining of dizziness, severe cough, chest and back pains, over-fatigue and was later found to be suffering from pulmonary tuberculosis (PTB) and heart failure.[8] However, no proof was submitted by petitioners to substantiate their allegations as to the ailments of the decedent prior to his death.[9]

It is further contended by petitioners that it is for convenience, rather than for accuracy, that some medical practitioners call or brand the causes of death similar to that of the deceased in this case as "bangungot"; but the fact is, that no inference was ever made in the "post mortem certificate of death" that the late Ricardo Clemente died of "bangungot." [10]

The sole issue to be resolved in this case is whether or not the cause of the death of the deceased had a causal relation to the nature of his work while in private respondent's employ.

To be entitled to compensation under the Workmen's Compensation Act, the illness which resulted in the death of the employee must be directly caused by his employment or either aggravated by, or the result of the nature of his employment.[11] In the interpretation of this rule, the Court has adopted a liberal stand to give effect to the compassionate spirit of the law as a social legislation, and has ruled that what the law merely requires is a reasonable work connection and not a direct causal relation of the illness or ailment to the job or working conditions present in the course of the performance of one's duties.[12] The degree of proof required to establish work-connection between the disabling ailment and the working conditions is merely substantial evidence, or "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." [13] In testing the evidence on the relation between the injury or disease and the employment, probability and not certainty is the touchstone.[14]

Moreover, when illness supervenes during employment, there is a disputable presumption that the claim is compensable. The claimant is relieved of the duty to show causation as it is then legally presumed that the illness arose out of the employment.[15] The law presumes, in the absence of substantial evidence to the contrary, that the claim for death or disability benefits is compensable. The burden to disconnect, by substantial evidence, the injury or sickness from the nature of the employment is laid at the employer's door. So rigid is this rule that, even where the cause of the employee's death is unknown, the right to compensation subsists. The reason for this is, that the Workmen's Compensation Act is a social legislation. It is designed to give relief to the working man. To give effect to this purpose, the Act must be liberally construed in favor of the worker.[16]

The exact medical cause of the illness of an employee is not significant for, granted for the sake of argument that the evidence of the claimant is insufficient to establish a causal link between the nature of his employment and his ailment under the provisions of Section 44 of the Workmen's Compensation Act, as amended, still, it is to be presumed that the illness which supervened at the time of his employment, either arose out of or was at least aggravated by, such employment.[17] This presumption, rebuttable at its inception, becomes conclusive upon the failure of the respondent employer to overcome the same.[18]

In the instant case, the deceased was found to have died of acute cardio-respiratory failure during his sleep, commonly known as "heart failure" and not of what respondent claims as "bangungot." While it is true that the claimants failed to prove the causal link between the cause of the death of the deceased to the nature of his work, yet, the Court cannot discount the probability that his work, as a set-up man, caused or aggravated his illness that led to his death. Considering the nature of the job of the decedent, it may be fairly concluded that the strenuous physical activity required in the performance of his duties caused a heavy strain on his heart, which ultimately

resulted in death.

It is claimed by petitioners that the deceased was also suffering from PTB, and medical science has already established that any chronic lung disease, such as tuberculosis, may lead to a pulmonary heart disease.[19] The allegation of respondents that the medical records of the deceased, prior to his death, reveal that he was in good health[20] and the fact that the death of the decedent occurred at a time when he was already off from work is not material; the main consideration for granting death compensation to petitioners is the fact that the illness which resulted in the death of the deceased supervened in the course of his employment. The contention that the deceased had no history of cardiac ailment strengthens the presumption that his fatal heart attack, during the period of his employment, was work-connected or aggravated thereby and therefore compensable.[21]

Respondents' claim that the cause of the decedent's death is "bangungot" is without legal or medical basis, for it is apparent from the "Post Mortem Certificate of Death" that the deceased died of heart failure. The real cause of "bangungot" has remained a mystery up to the present, and no medical explanation has so far been established to unravel this phenomenon. There are several theories submitted in an attempt to explain the reason or cause for the death of reported victims of "bangungot;" however, the exact cause of death is still unknown.

However, assuming ex gratia argumenti that the deceased indeed died due to "bangungot," still, in Mercado, Jr. v. ECC,[22] it was held that where the causes of an ailment are unknown and undetermined even by medical science, the requirement of proof of causal link between the ailment and the working conditions should be liberalized. The Court said:

"xxx The point is that it is grossly inequitable to require as a condition for an award of compensation that the claimant demonstrate that his ailment — the cause or origin of which is unknown to and undetermined even by medical science — was, in fact caused or the risk of contracting the same enhanced by his working conditions. Plainly, the condition would be an impossible one, specially considering that said claimant is most probably not even conversant with the intricacies of medical science and the claimant invariably bereft of the material resources to employ medical experts to demonstrate the connection between the cause and the disease. Considering the liberal character of employment compensation schemes, the impossible condition should be deemed as not having been intended and/or imposed.

"Verily, by permitting compensation notwithstanding the absence of any showing of causal link between the ailment whose causes are unknown and the working conditions which may be the probable origins of said ailment, We merely accede to the dictates of the social justice provision of the Constitution. Where the causes are known, determined or determinable, the claimant must prove reasonable work-connection in order to receive compensation — otherwise, the parity or balance between the competing interests of employer and employee with respect to Workmen's Compensation is destroyed. (Sulit v. ECC, L-48602 [June 30, 1980]). Where, however, the causes of an ailment are unknown to and/or undetermined even by medical science, the requirement of proof of any causal link between the ailment and the working conditions should be liberalized so that those who have less in life will have more in law."

WHEREFORE, the petition is hereby GRANTED. The decision of the Workmen's Compensation Commission, dated 27 November 1975, is REVERSED and SET ASIDE and, in lieu thereof, a new one is entered AFFIRMING the decision of the Acting Referee, dated 10 September 1975. No costs. This decision is immediately executory.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

- [1] Resolution dated 18 Feb. 1975, Rollo, p. 32.
- [2] Decision of the Workmen's Compensation Com., dated 27 Nov. 1975, written by Dioscoro C. Arellano, Associate Commissioner, with the concurrence of Severo M. Pucan, Chairman of the Commission, Rollo, pp. 10-11.
- [3] Decision of Apting Referee Vivencio E. Escarche, dated 10 Sept. 1975, Rollo, pp. 16-17.
- [4] Post Mortem Certificate of Death signed by Angelo S. Singson, M.D., Acting Chief Medico-Legal Officer, Annex "E-I" to the Petition.
- [5] Rollo, p. 17.
- [6] Rollo, p. 12.
- [7] Rollo, p. 10-11.
- [8] Affidavit of Ursula Vda. de Clemente, Rollo, p. 49.
- [9] Rollo, pp. 10-11.
- [10] Petition, Rollo, p. 4.
- [11] Section 2, Act No. 3428, the Workmen's Compensation Act, as amended by RA 4119.
- [12] Macawili v. WCC, 134 SCR A 220.
- [13] Cristobal v. ECC, 103 SCRA 329; Ang Tibay v. The Court of Industrial Relations, 69 Phil. 635.
- [14] Laron v. WCC, 73 SCRA 84.
- [15] Del Rosario v. WCC, 96 SCRA 280.
- [16] Industrial Textile Mfg. Co. of the Phil. v. Florzo, 17 SCRA 1104.
- [17] Flores v. WCC, 89 SCRA 89. -
- [18] Guevarra vs. WCC, 146 SCRA 64, 72.
- [19] Pathologic Basis of Disease by Stanley L. Robbins, M.D. and Ramzi S. Cotoan, M.D., 2nd Edition [1979], p. 686.
- [20] Memorandum for Respondent, Rollo, p. 40.
- [21] Talip vs. WCC. 71 SCRA 218.

[22] 139 SCRA 270.

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