

FLORENCIO BALATERO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (DEPARTMENT OF EDUCATION AND CULTURE), RESPONDENTS.

G.R. No. L-46634. January 28, 1980

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Petition for review on certiorari of the decision of the Employees Compensation Commission, affirming the decision of the GSIS Medicare-Employees' Compensation which denied the claim of petitioner for compensation benefits.

Petitioner Florencio Balatero, prior to his retirement on May 9, 1975, was employed as a public school teacher at the Iligan City North Central School. Aside from this, he was appointed District Adult and Community Education Coordinator and as such, he had to go out to all communities and puroks under his district to supervise the people in their projects like green revolution, promoting cleanliness and beautification.

His medical record shows that wayback in 1972, he experienced symptoms of dizziness, headache and pain at the back of the neck, and that there was gradual failure of his hearing. On September 27, 1973, exactly a week after he had high fever and severe cold, he noted that his sense of hearing was totally impaired. After being examined at the Southern Islands Hospital at Cebu City, he was found to have a perforation of his right tympanic membrane, indicative of a permanent loss of hearing. He was again admitted at the Iligan City Hospital from February 20, 1975 to March 22, 1975 when his condition did not improve. His ailment was finally diagnosed as "Hypertension with Impairment of Hearing."

On February 16, 1976, petitioner filed a claim with the Government Service Insurance System (GSIS) for employees' compensation benefits under P.D. No. 626, as amended. His claim was denied by the System on March 4, 1976, on a finding that neither the nature of petitioner's duties as a teacher nor the working conditions of his employment could have directly caused his ailment, and at most, said ailment was just aggravated by the nature of his work, and aggravation is no longer compensable under the present Employees' Compensation Program. A request for reconsideration was, likewise, denied by the System on June 8, 1976, hence the records of the case were elevated to respondent Commission for review.

On December 15, 1976, the Commission affirmed the System's previous denial and dismissed the claim, ruling thus:

"It is the considered opinion of this Commission that appellant's appeal is without merit. x x x In the first place, except for the naked verbal assertion of the appellant, there is absolutely nothing within the four corners of the record which supports his contention that his ailments were the result of the nature of his employment and the working conditions obtaining therefrom.' x x x Under the facts, therefore we are inclined to uphold the respondent in its finding that with the appellant's advancing age, he being already 63 years old, nothing could

be farther from the truth than that he is suffering from Presbycusis, a high tone loss which afflicts everyone in time owing to the aging process.

"Another obstacle which bears emphasis upon the non-compensability of the instant claim involves a question of respondent System's competence and jurisdiction. Under the decree, particularly, Sec. 1, par. (c) of the Implementing Rules, only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall be compensable thereunder. Since the appellant's ailments have their onset since 1972, we are of the opinion that the respondent System may not assume jurisdiction over the instant claim." [1]

We find merit in the petition.

It is true that the claim for compensation was filed after the effectivity of the New Labor Code. However, the facts of the case calls for the application of the Workmen's Compensation Law. It is a settled rule that the governing law in the prosecution of a cause of action which has accrued prior to the effectivity of a new law shall be the law enforced at the time of the accrual of said cause of action. In the case at bar, the cause of action existed as early as 1972. Since the Workmen's Compensation Law was then in full force and effect, then it should govern the present case, based on the principle that "rights accrued and vested while a statute was in force ordinarily survive its repeal." [2]

It is undisputed that petitioner's ailments supervened in the course of his employment as a school teacher, and respondents admitted that at most, said ailments were just aggravated by the nature of his work. Under the old Workmen's Compensation Law, when there is a showing that the ailment was contracted and/or aggravated in the course of one's employment, the presumption of compensability arises and the burden of proof is shifted to the employer to show by substantial evidence that although the illness supervened in the course of employment, it does not necessarily follow that it also arose from such employment or was at least aggravated by it. [3] It can rightly be said that petitioner's hypertension and loss of hearing supervened in the course of his employment. Said ailments were therefore, presumed to be service connected. Consequently, they are compensable, in accordance with Section 2 of the Workmen's Compensation Act, as amended, which reads:

"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 in the sums and to the person hereinafter specified. x x x."

Petitioner, in his request for reconsideration, averred that the nature of his work involves not only mental but also strenuous physical activities outside the classroom such as going out to remote places in his district. It was on this account that he contracted high fever and colds which ultimately resulted in permanent loss or impairment of his hearing. We are thus convinced that petitioner's ailments fall within the rule of aggravation pursuant to the aforecited provision of the Workmen's Compensation Act, as amended.

The Commission in affirming the System's denial of the claim for compensation, upheld the latter's findings that loss of hearing can afflict everyone in time owing to the aging process. Petitioner at the time he contracted illness was already 62 years old and the Court, in the case of *Bautista vs. WCC, et al.* [4] reiterated that "while we do not discount the possibility that such ailment may be caused by the aging process x x x, nonetheless that fact alone will not be sufficient to remove the ailment from the periphery of compensable disabling diseases under the Workmen's Compensation Act. The law applies to the young as well as to the aged, and while advancing age may be a contributing factor to the occurrence of an injury, the constant physical and mental exertions, strain, and tension are equally contributing and aggravating causes which render the resulting disabling injury or ailment compensable under the Law."

In consonance with the spirit of social justice and the humane character of the law, the Court held that the exact cause of the ailment suffered by claimant is not significant, and the possibility that factors other than the employment, such as advancing age, may have contributed to the development of the ailment, is not a drawback; for what is material and decisive is that the employment contributed even in a small degree in aggravating the ailment.[5]

Petitioner, unable to endure the disabling effects of his ailments, mentally and physically, had to retire at the age of 63, two years short of the compulsory retirement age of 65, under Commonwealth Act No. 186, as amended. With the approval of petitioner's retirement,[6] the fact of petitioner's disability is thus placed beyond question or doubt.[7] As discussed earlier, the fact that petitioner had to go out to barrios in relation to his duty as District Adult Coordinator, exposing him to all kinds of elements that brought about his ailments and was thereby forced to retire earlier should have been given weight by the respondents. The directive contained in Republic Act No. 4670, otherwise known as the "Magna Charta for Public School Teachers," bears emphasis since it is relevant to the case at bar, thus:

"Teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational diseases in accordance with existing laws."

The Commission pointed out that it has no jurisdiction over the instant claim since the ailments of petitioner had their onset since 1972, and under the Implementing Rules of the New Labor Code, as amended, only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall be compensable thereunder. In this connection, this Court held in recent decisions that "the fact that the claim was filed with the GSIS instead of with the appropriate regional office of the Department of Labor does not militate against the claim. For the filing of a claim in an office that has no authority to act on it can be treated as having been filed within the period allowed by law." [8]

Finally, in case of doubts in the implementation and interpretation of the provisions of the Labor Code, including its implementing rules and regulations, such doubts shall be resolved in favor of the laborer. (Article 4, PD No. 442 as amended; Article 1702 New Civil Code).

WHEREFORE, the decision of the Employees' Compensation Commission is hereby set aside and the Government Service Insurance System is hereby ordered:

- To pay petitioner the sum of Six Thousand Pesos (P6,000.00) as disability compensation benefits;
- To reimburse petitioner's medical and hospital expenses duly supported by receipts;
- To pay petitioner Six Hundred Pesos (P600.00) as attorney's fees; and
- To pay Administrative Costs.

SO ORDERED.

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

[1] Decision, pp. 29-31, ECC Records.

[2] Corrales vs. ECC, et al., L-44063, February 27, 1979; Villones vs. ECC, et al., L-46200, July 30, 1979; De los Angeles vs. ECC, et al., L-47099, November 16, 1979.

[3] De los Angeles vs. ECC, supra; Animos vs. WCC, et al., L-43021, June 30, 1978; Enriquez vs. WCC, et al., L-48252, October 30, 1979.

[4] L-42885, 80 SCRA 313, 319.

[5] Abana vs. Quisumbing, 22 SCRA 1278; Cerezo vs. ECC, supra; De los Angeles vs. ECC, supra. See also Natividad vs. WCC, et al., 85 SCRA 115.

[6] Original ECC Records, p. 5.

[7] Romero vs. WCC, 77 SCRA 490.

[8] Corrales vs. ECC, supra. See also Pobre vs. WCC, 77 SCRA 315-320.

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