

**BERNARDO BAMBALAN, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION AND UNIVERSAL TEXTILES MILLS,
INC., RESPONDENTS.***G.R. No. L-47209. August 21, 1987*

Ponente: PADILLA, J.

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The petitioner Bernardo Bambalan is an employee of the respondent Universal Textile Mills, Inc., since 2 May 1972, working six (6) days a week as a machine operator at the respondent company's plant in Baranka, Marikina, Metro Manila, earning a daily wage of P11.80. On 26 March 1975, he filed a claim for sickness benefits before the Workmen's Compensation Commission (WCC, for short) for an ailment called "Pyelonephritis (kidney) acute, and Bronchitis, acute", which he allegedly suffered in the course of his employment or which was aggravated by the nature of his employment[1].

The claim, docketed as RO4-WC Case No. 7402, was dismissed by the WCC Unit Head for failure of the parties to appear at the scheduled hearing set for 25 September 1975[2]. The petitioner sought reconsideration of the order, but his motion was denied. However, the records of the case were forwarded to the WCC for review, pursuant to the provisions of Section 4, Rule 15 of the Rules of the WCC[3].

Acting on the appeal, the WCC affirmed the dismissal of petitioner's claim. The reason given for the dismissal, however, was not due to lack of interest, but that there was absence of substantial evidence to warrant the allowance of the claim. The WCC further found that the ailment complained of had no causal relation with the nature of petitioner's employment[4]. The petitioner filed a motion for re-consideration of the order, inviting the Commission's attention to the evidence he had submitted to support his claim for compensation, but his motion was denied[5]. He now seeks the review on certiorari of said decision of the WCC. He claims that the WCC gravely erred in dismissing his claim for compensation considering that he had submitted ample evidence to sustain his claim and that the respondent company had failed to controvert his right to compensation. The Court gave due course to the petition.

There is merit in the petition. We find that the documents submitted by the petitioner, namely:

"a. Notice of Injury or Sickness and Claim for Compensation showing jurisdictional facts; his weekly salary is P70.80; his said illness; that October 1, 1974 as the date he stopped working due to said illness; that March 17, 1975 as the date he returned to work; that Dr. Manuel Belarmino of Ortanez University Hospital was his attending physician and others;

"b. Physician's Report duly accomplished by the said Dr. Manuel Belarmino showing that claimant was sick of Pyelonephritis Acute and Bronchitis Acute; period of Compensability; and others;

"c. Affidavit of the Claimant showing his hard work and poor working conditions prevailing at Respondent's factory; he continued working although already sick of said ailments; the dates he was confined at the Ortanez University Hospital; that he often consulted and received treatments for said ailments at the medical

department of the Respondent; that September 30, 1974 as the date he officially notified the Respondent of his ailments and was advised by the Respondent for Hospitalization; that Respondent failed to controvert on time Claimant's ailments; that the Respondent was furnished copies of the medical certificates of Dr. Manuel Belarmino; and others;

"d. Medical certificates of the said Dr. Manuel Belarmino of Ortanez University Hospital showing that Claimant was sick of Pyelonephritis Acute and Bronchitis Acute and the dates or periods of his confinements at the said hospital;

"e. Affidavit of Claimant's co-worker as corroborative evidences"[6]

are sufficient to support the petitioner's claim for compensation. Their rejection by the WCC on the ground that they "lack the necessary element for them to be given due credence on the basis of their face value alone" is not justified, since the strict rules of evidence are not applicable in claims for compensation. The Rules of the WCC provide that the hearing, investigation and determination of any question or controversy in workmen's compensation cases shall be without regard to technicalities, legal forms, and technical rules on evidence[7].

In one case[8], the Court ruled that a medical certificate of injury, although hearsay, since the issuing physician was not presented at the trial, is admissible in evidence as "hospital records in relation to the case upon authority of Section 49 of the Workmen's Compensation Act."

The Court has also ruled that verification of documents is not necessary in order that said documents could be considered substantial evidence[9].

Besides, it appears that the respondent Universal Textile Mills, Inc. had failed to controvert the petitioner's claim for compensation so that an outright award, without need of further hearing, should have been issued[10]. The record shows that the employer had been notified of the employee's ailment as said employee had sought treatment in the company's medical clinic and it was the company physician who had even recommended the employee's confinement at the hospital, but there is no evidence of controversion of the employee's claim. The failure to controvert the right of the claimant within the period prescribed in Section 45 of the Workmen's Compensation Act renders the claim compensable and its reasonableness and validity, beyond challenge. The absence of controversion is fatal to any defense that an employer could interpose[11].

We also find that the petitioner's ailment (Pyelonephritis acute and Bronchitis acute) which supervened during his employment, either arose out of, or, at least, was aggravated by said employment and, hence, compensable.

Pyelonephritis is commonly defined as the inflammation of the kidney and its pelvis (cavity). The Court, in *Ceniza vs. ECC*[12], explained how the disease (Pyelonephritis) could have been directly caused by the performance of a teacher's duties, thus:

"It may be added that teachers have a tendency to sit for hours on end, and to put off or postpone emptying their bladders when it interferes with their teaching hours or preparation of lesson plans. From the human experience, prolonged sitting down and putting off urination result in stagnation of the urine. This encourages the growth of bacteria in the urine, and affects the delicate balance between bacterial multiplication rates and the host defense mechanisms. Delayed excretion may permit the retention and survival of micro-organisms which multiply rapidly, and infect the urinary tract. Thus, while we may concede that these illnesses are not directly caused by the nature of the duties of a teacher, the risk of contracting the same is certainly aggravated by their working habits necessitated by demands of job efficiency."

The same may also be said of the petitioner. In his Affidavit[13], the petitioner stated that he was employed as machine operator; that his work is hard and continuous, always in a standing position, sometimes stooping, and

some-times assigned in the night shift and exposed to hot and cold temperatures and that cotton dust abounds in his work area. It is not unlikely that the petitioner, like the teacher mentioned in the aforecited Ceniza case, would also postpone urination rather than leave the machine he is operating untended and suffer pyelonephritis as a consequence. His acute bronchitis could have been caused by his inhalation of cotton dust which abounds in his work area.

The petitioner computed the amount due him for compensation, as follows:

"xxx That from October 1, 1974 to April 28, 1975 (Excepting January 11 to 18, 1975, or 7 days when the company forced him to work), is 217 days minus 7 days is equal to 210 compensable days, or equivalent to 30 compensable weeks instead of 23 weeks as previously stated. That his weekly compensation is P11.80 times 6 days equals P70.80 times 60% is P42.48. That P42.48 times 30 compensable weeks is P1,274.40, which is the correct total amount of compensation for his Temporary Total Disability." [14]

WHEREFORE, the petition is granted. The judgment appealed from is hereby reversed and set aside and another one entered, ordering the respondent company to pay the petitioner the amount of P1,274.40, plus attorney's fees in an amount equivalent to 10% of the compensation benefits awarded to the petitioner. Without pronouncement as to costs in this instance.

SO ORDERED.

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

[1] Rollo, p. 17

[2] Id., p. 18

[3] Id., p. 19

[4] Id., p. 20

[5] Id., p. 30

[6] Id., p. 23

[7] Rule 10, Rules of the WCC

[8] Batangas Trans. Co. vs. Valenzuela, 118 Phil. 835

[9] Dinaro vs. WCC, L-42457, March 31, 1976, 70 SCRA 292

[10] Dinaro vs. WCC, supra

[11] La Mallorca vs. WCC, L-29315, Nov. 28, 1969, 30 SCRA 613

[12] G.R. No. 55645, Nov. 2, 1982, 118 SCRA 137

[13] See Rollo, p. 55

[14] Id., p. 88

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