

DOLORES A. POBRE, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENT.

G.R. No. L-43325. May 31, 1977

Ponente: MARTIN, J.

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MARTIN, J.:

Petition for review[1] of the decision of the Workmen's Compensation Commission denying the claim of petitioner, Dolores A. Pobre, for compensation benefits under the Workmen's Compensation Act against respondent Republic of the Philippines (Bureau of Public Schools).

Petitioner was a public school teacher who retired at the age of 61 years for physical disability which she contracted in 1968 while in the continuous service of the respondent Republic (Bureau of Public Schools) from 1946 up to January 1, 1975. She was employed in 1946 as a public school teacher by the respondent Republic (Bureau of Public Schools) and assigned to teach in several far-flung barrios in Sorsogon and later in Legaspi City where she stopped working on January 1, 1975. Her ailment was diagnosed as "Essential Vascular Hypertension, chronic, severe; Osteoarthritis, chronic, left hip and Tuberculosis." In 1969, petitioner underwent medical treatment but to no avail. Since then she has been suffering from a dislocation of her hip joints making it difficult for her to walk, and constraining her to apply for periodic leaves. The records show that she has been under treatment by her family doctor from November 27, 1970 up to March 1975.

On March 31, 1975, the last day for filing compensation claims occurring prior to the effectivity of the New Labor Code, she filed a claim for compensation benefits against the respondent Republic (Bureau of Public Schools). Respondent Republic did not controvert the claim. As a matter of fact, it passed upon and reviewed the claim and through its Division Committee on Evaluation favorably recommended payment of compensation benefits to the petitioner. Based on said recommendation, the Acting Referee of the Workmen's Compensation Section, Regional Office No. 5, Legaspi City rendered a decision on November 25, 1975 awarding compensation benefits in favor of petitioner, the dispositive portion of which reads as follows:

"WHEREFORE, premises considered judgment is rendered in favor of the claimant, ordering the Bureau of Public Schools:

1. To pay claimant, Dolores Pobre, thru his Office, the sum of ONE THOUSAND NINETY THREE PESOS AND EIGHTY CENTAVOS (P1,093.80), as disability compensation benefits, and thereafter, effective November 23, 1975, to a weekly compensation of P53.17 until such time that she shall have been cured, provided, however, the amount of compensation in its entirety shall not exceed P6,000.00;
2. To pay claimant the amount of SEVEN HUNDRED FIFTY FOUR PESOS (P754.00), as reimbursement of medical expenses pursuant to Section 13 of the Act; and
3. To pay this Office, the sum of ELEVEN PESOS (P11.00) as fees pursuant to Section 44 of the Act.

SO ORDERED."

From said decision, respondent Republic appealed to the Workmen's Compensation Commission.

On February 13, 1976, the respondent Commission set aside the decision of the Acting Referee and dismissed the claim of petitioner. In dismissing the claim, the respondent Commission ruled that the decision of the Acting Referee is null and void because he has no more jurisdiction to entertain said claim inasmuch as the claimed disability occurred after January 1, 1975 and that jurisdiction over claims for compensation benefits starting said date is vested either in the Government Service Insurance System or in the Employees Compensation Commission.

We reverse the respondent Commission. A review of the records reveal that the petitioner has been suffering from her illness since 1968 which after consultation with a physician, was found to be Rheumatic Arthritis. On September 27, 1974, she was treated by Dr. Cristopher R. Villarala, Sr. who also found her to be suffering from Essential Vascular Hypertension, chronic, severe; Osteoarthritis, chronic, left hip and Tuberculosis. In the treatment of her ailment she spent P874.00. After the Division Committee on Evaluation composed of Juan R. Belica, General Education Supervisor, Chairman; and Norberto T. Concepcion, Administrative Officer, and Gertrudes Reyes, as members, assessed favorably petitioner's illness, the committee recommended payment of the same. When she was examined by the Compensation Rating Medical Officer, the latter affirmed the previous findings on the claimant's illness and rated her disability at 25% loss of the use of her left leg. Petitioner applied for sick leaves several times, particularly in the year 1974 until 1975. It is thus evident that the illness of petitioner occurred during the course of her employment long before the effectivity of the New Labor Code and therefore petitioner's claim still falls within the coverage of the Workmen's Compensation Act in so far as the issue of compensability of her claim is concerned. Petitioner then can invoke the presumption mandated by Section 44 of the Workmen's Compensation Act that her illness either arose out of, or at least aggravated by her employment and that the burden to overthrow the presumption and to disconnect, by substantial evidence the injury or sickness from employment, is laid by the statute at the door of the employer[2] and there is no more need for the claimant to carry the burden of proof, to establish her case to the point of demonstration. It is enough to show that the hypothesis on which she bases her claim is probable.[3] The claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of employment.[4]

The claim of respondent Republic that the Workmen's Compensation Commission has no jurisdiction over the subject matter of the case because the claimed disability occurred after January 1, 1975 cannot be sustained, because it is not correct for respondent Republic to say that the claimed disability occurred after January 1, 1975. It is undisputed that the illness of petitioner started as early as 1968; that she has been under medical treatment in 1969; hospitalized in 1970 and thereafter periodically until March 31, 1975. The mere fact that jurisdiction over compensation cases has been transferred from WCC to the Employees Commission cannot throw out the claim of petitioner because there is in the New Labor Code (P.D. 442) as amended by P.D.'s 570-A, 626 and 643 a provision which states:

“Workmen's compensation claims accruing prior to the effectivity of this Code and during the period from November 1, 1974 up to December 31, 1974 shall be filed with the appropriate regional office of the Department of Labor not later than March 31, 1975; otherwise they shall be forever barred. x x”

In the case before Us, the cause of action of petitioner arose from the moment she contracted her illness in 1968, and continued to run from said date up to March 31, 1975 when she was hospitalized in the Veterans Memorial Hospital. When she filed therefore her present claim for compensation benefits with Regional Office No. 5, within the period allowed by the New Labor Code (P.D. 442), as amended by P.D.'s 570-A, 626 and 643, that is up to March 31, 1975, she was well within the coverage of the transitory provision abovequoted because said provision allowed the filing of claims with the appropriate regional office of the Department of Labor not later than March

31, 1975. True it is, that the Workmen's Compensation has been abolished by the New Labor Code and in lieu thereof the GSIS and Employees Compensation Commission were vested with the authority to decide the claim of government employees or private employees as the case may be. Although the claim of petitioner was filed with the Regional Office No. 5 instead of the GSIS, it does not follow that the claim cannot be entertained anymore. The filing of the claim with the said office that has no authority to act on it can be treated as having been filed with the appropriate agency as long as it is filed within the period allowed by law.

IN VIEW OF THE FOREGOING, the judgment of the respondent Commission is hereby reversed and set aside and that of the Acting Referee of the Workmen's Compensation Section, Regional Office No. 5 reinstated and revived with the modification that respondent Bureau of Public Schools should also reimburse petitioner for her medical and hospital expenses properly receipted for until her full recovery. Without pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, and Muñoz Palma, JJ., concur.
Antonio, J., designated to sit in the First Division.

[1] Treated as Special Civil Action as per resolution of this Court on August 13, 1976.

[2] Magalona vs. WCC & Nasso, 21 SCRA 1199; Cabenta, etc. vs. WCC, G.R. No. 42639, July 30, 1976.

[3] Abana vs. Quisumbing, 22 SCRA 1279.

[4] Magalona vs. WCC, 21 SCRA 1199, citing Justiniano vs. WCC, L-22774, November 21, 1966.

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