

FRANCISCO ABORDO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND PHILIPPINE NATIONAL RAILWAYS, RESPONDENTS.

G.R. No. L-43073. July 31, 1978

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/88849e35a2ee/>

FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in R06-WC Case No. 129429 affirming the decision of the Acting Referee (Compensation Task Force) of Regional Office No. 5, Workmen's Compensation Unit at Naga City dismissing the claim for disability benefits of Francisco Abordo.[1]

The record discloses that Francisco Abordo filed on March 14, 1975 with the Workmen's Compensation Unit at Naga City a "Notice of Injury Or Sickness and Claim for Compensation". The claim alleged that in the course of his employment with the respondent, Philippine National Railways, as Switchman Helper, the claimant was afflicted with rheumatoid arthritis on November 8, 1972; that he was given medical attention by Dr. Jose D. Bernas; that the injury kept him from working; and that he stopped working on February 11, 1973 when he retired under Republic Act 660.[2]

Attached to the claim was the "Physician's Report of Sickness or Accident" signed Dr. Jose D. Bernas, a physician employed by the Philippine National Railways at Naga City. The report stated that Dr. Jose D. Bernas was the attending physician of Francisco Abordo; that the sickness was diagnosed as rheumatoid arthritis and was caused by degenerative changes; that said sickness was aggravated by the employment of Francisco Abordo; that Dr. Bernas first administered treatment to the sick on November 8, 1972 and administered the last treatment to the sick on November 8, 1973; that the sickness caused the workman indefinite total disability for labor; and that if the workman cannot resume his former occupation, he can do only ordinary household chores.[3]

The Acting Referee dismissed the claim for lack of merit because on the application for retirement the applicant, Francisco Abordo, "left unfilled out the column to be accomplished only by applicants for disability showing therefore that he was not under any disability for labor at the time he applied for such retirement from the service x x x." [4]

The Workmen's Compensation Commission affirmed the decision of the Acting Referee on the additional grounds that "a certification by the personnel manager of the respondent shows that the herein claimant retired optionally from service and availed of the benefits that goes with the form of retirement x x x" and that the Commission "failed to see from the record that the herein claimant suffered from any disability for labor at any time during the period of his employment with the respondent." [5]

The facts, as found by the Commission, are that sometime in 1923, the petitioner was employed by the respondent, Philippine National Railways (PNR) as a coalman; that during the second World War the petitioner's service was suspended; that on March 16, 1946, he was re-employed by the respondent PNR as a coalman; that on September 1, 1968 the petitioner was promoted to switchman, which position he continuously held until he retired

on February 11, 1973; and that the claimant was treated by Dr. Jose Bernas from November 8, 1972 to February 3, 1973 for arthritis.[6]

This petition is meritorious.

That the petitioner failed to file the column in the application for retirement to be accomplished by applicants for disability is of no moment. Precisely, according to the petitioner, he had to retire under Republic Act 660, as amended, providing for optional retirement, "because he was no longer fit to perform the usual duties demanded by his job with private respondent PNR x x x".[7]

The finding of the Commission that "Further, we failed to see from the record that the herein claimant suffered from any disability for labor at any time during the period of his employment with the respondent x x x," is contrary to the evidence. The report (Annex "B") of Dr. Jose D. Bernas, physician of the respondent PNR, categorically stated that the injury caused the workman temporary total disability for an indefinite period of time.[8]

It is a fact that the sickness of the petitioner supervened during his employment with the respondent PNR. Under Section 44 of the Workmen's Compensation Act, as amended, the presumption is that the illness of the petitioner either arose out of or was at least aggravated by said employment. With this legal presumption the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation.[9] The respondent Philippine National Railways has not adduced any substantial evidence tending to disprove causal connection between the petitioner's ailment of rheumatoid arthritis and his employment.

WHEREFORE, the decision appealed from is hereby set aside and the respondent Philippine National Railways is ordered to pay the petitioner the sum of Six Thousand Pesos (P6,000.00) as disability compensation benefits, the sum of Six Hundred Pesos (P600.00) as attorney's fees and to pay to the successor of the Workmen's Compensation Commission the amount of Sixty-one Pesos (P61.00) as administrative fees.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, and Guerrero, JJ., concur.

Makasiar, J., concurs in a separate opinion.

[1] Annex "E", Rollo, pp. 14-15.

[2] Annex "A", Rollo, p. 9.

[3] Annex "B", Rollo, p. 10.

[4] Annex "C", Rollo, p. 11.

[5] Annex "E", Rollo, pp. 14 –15.

[6] Ibid., Rollo, p. 14.

[7] Memorandum for the Petitioner, Rollo, p. 45.

[8] Annex "B", Rollo, p. 10.

[9] *Belmonte vs. Workmen's Compensation Commission*, 58 SCRA 138.

CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 184 of the New Labor Code, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.