

CANUTO CADIENTE, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (RICE AND CORN ADMINISTRATION), RESPONDENTS.

G.R. No. L-43220. October 28, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in RO4-WC Case No. 11700, entitled "Canuto B. Cadiente, claimant versus Republic of the Philippines (National Grains Authority), respondent" reversing the decision of the Acting Referee and Team Leader of Regional Office No. 4, Department of Labor, and absolving from liability the National Grains Authority.[1]

In a Notice of Injury or Sickness and claim for compensation filed with Regional Office No. 4, Department of Labor, on June 28, 1974 Canuto B. Cadiente sought to recover from the National Grains Authority disability compensation benefits for having contracted, in the course of his employment, pulmonary tuberculosis allegedly caused or aggravated by, or the result of, the nature of his employment, which ailment rendered the claimant physically disabled for further work with the respondent.[2]

Although copies of the claim for compensation were furnished the Office of the Solicitor General and the Administrator of the National Grains Authority, no answer was filed. The case was set for hearing on the merits and the parties were properly notified. The Acting Referee found the following facts to have been established:

"That claimant, Canuto Cadiente, was employed with the National Grains Authority. The records show that the claimant first entered the service of the respondent on September 20, 1954 under the defunct National Rice and Corn Administration. He started as Janitor. In 1961 he was laid off. On May 5, 1965 he was reinstated this time as Security Guard with a salary of P6.30 a day. His duties were to clean the comfort rooms, the bathrooms, the premises, the tables and chairs, sweeping the floor, throwing garbage and such other duties incident to his position as assigned to him from time to time. In April, 1968 he started to complain of chest and back pains accompanied by afternoon fever. He consulted the respondent's clinic physician, Dr. Policarpio Cruz who diagnosed him to be suffering from pulmonary tuberculosis. He also consulted Dr. Purificacion C. Linco, Municipal Health Officer of Carmona, Cavite who also diagnosed the claimant to be afflicted with pulmonary tuberculosis which progressed from minimal to moderately advanced from 1970 to 1972. Due to his ailment the claimant stopped working on May 20, 1970.

"Felicisimo Nublado, Chief of Records Management section of the National Grains Authority testified that according to the records the claimant entered the service of the respondent on September 20, 1954. After a lay-off on September 30, 1954 until December 15, 1954. He again received a temporary appointment from July 2, 1957 to September 30, 1961. He was again laid off for sometime but on May 5, 1965 he was again reinstated until December 31, 1965 as security guard. After another lay-off he was again reinstated on January 30, 1967. On May 20, 1970 he was retired from the service due to his illness."[3]

On the basis of the foregoing findings, the Acting Referee rendered a decision dated September 16, 1975, the

dispositive part of which reads:

"WHEREFORE, premises considered, judgment is rendered in favor of the claimant and ordering the National Grains Authority:

- 1) To pay the claimant, CANUTO B. CADIENTE, thru this Office, the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits;
- 2) To pay Atty. Ricardo M. Perez the sum of THREE HUNDRED PESOS (P300.00) as attorney's fees; and
- 3) To pay this Office, the sum of SIXTY ONE PESOS (P61.00) as decision fees pursuant to section 55 of the Act.

"Manila, Philippines, September 16, 1975."[4]

The Workmen's Compensation Commission absolved the National Grains Authority on the ground that it was not shown that the claimant left the service of the respondent by reason of claimant's illness of pulmonary tuberculosis.

The Acting Referee found as a fact that on May 20, 1970, the claimant was retired from the service due to his illness.[5]

There is no showing that the claimant was suffering from any illness when he was first employed by the respondent in 1954. The Acting Referee found ample evidence showing that the illness of the claimant which caused his physical disability was reasonably connected with his employment.[6] And it is clear that the illness of the claimant supervened during his employment with the respondent. It is presumed that the ailment arose out of his employment.[7] There is a rebuttable presumption that the claim is compensable.[8] This disputable presumption has not been rebutted.

WHEREFORE, the decision of the Workmen's Compensation Commission appealed from is hereby set aside and the National Grains Authority is ordered:

1. To pay petitioner CANUTO B. CADIENTE, the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits and the sum of SIX HUNDRED PESOS (P600.00) as attorney's fees; and
2. To pay the amount of SIXTY ONE PESOS (P61.00), as administrative fee.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Guerrero, De Castro,[*] and Melencio-Herrera, JJ., concur.

[*] Mr. Justice de Castro was designated to sit with the First Division.

[1] Decision, Annex "D", Rollo, pp. 31-32.

[2] Decision of Acting Referee, Rollo, p. 21.

[3] Ibid., Rollo, pp. 21-22.

[4] Rollo, p. 24.

[5] Rollo, p. 22.

[6] Rollo, p. 23.

[7] Delgado Brothers, Inc. vs. Workmen's Compensation Commission, 48 SCRA 198.

[8] Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677; Section 44, Workmen's Compensation Act.

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