

JUAN DE LOS SANTOS, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-43008. February 21, 1983

Ponente: RELOVA, J.

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RELOVA, J.:

Petitioner joined the government as a classroom teacher in San Jacinto, Masbate in June 1930. In May 1947 he was found to be suffering with pulmonary tuberculosis. He was treated and after his ailment was arrested he was able to return to work.

In February 1971, he was found to be suffering again from pulmonary tuberculosis and, as a consequence, he went on leave until April of the same year. On June 2, 1971, petitioner submitted himself for check up at the Bulan General Hospital and was found to be still suffering from the same illness, moderately advanced. Thus, he had to stop working on July 4, 1971 and applied for retirement. His application was approved on July 4, 1973.

The main objection of respondents to petitioner's claim for compensation was the statement in his notice of sickness and claim for compensation, more particularly, item No. 14 thereof, that he stopped working on July 4, 1973. Otherwise stated, when petitioner stopped working on July 4, 1971 he was not suffering from any disabling illness.

Acting Referee Tomas C. Montisenes of the Workmen's Compensation Unit awarded compensation benefits to petitioner in the amount of P3,727.32 corresponding to 60% of his weekly salary (60% x P71.67) or P43.00, for the period starting from July 4, 1971 and up to February 8, 1973 when petitioner became 65 years of age, or for a period of 83-3/7 weeks.

In ordering respondent Bureau of Public Schools to pay the said sums, Acting Referee Montisenes found that petitioner had been in the service for forty-one (41) years, having entered the government service on June 9, 1930 and retiring on July 4, 1971; and that the illness which caused his disability was contracted during the period of his employment "or was at least aggravated by the nature of his employment."

Associate Commissioner Eugenio I. Sagmit, Jr. of the Workmen's Compensation Commission, on January 30, 1976, reversed the decision of the referee on the ground that the illnesses suffered by the petitioner "are not disabling because they can be controlled by proper food and medication If it were true that claimant was really suffering from disabling illnesses since December 15, 1965, why was the claimant able to continue working until July 4, 1971, when he opted to retire from the government service."

We find merit in the petition. As found by the Acting Referee, petitioner Juan de los Santos, on May 15, 1947, had a chest x-ray and found to be afflicted with pulmonary tuberculosis, minimal. Then in another chest x-ray on July 2, 1971, he was found by Dr. Rafael Villareal of the Bulan General Hospital to be afflicted with pulmonary tuberculosis, moderately advanced. Thereafter, he had been under the medical care and treatment of Dr. Salvador

Arevalo who, in his report, stated that Juan de los Santos "is afflicted with chronic nephritis, rheumatoid arthritis and chronic bronchial asthma aside from PTB moderately advanced, which illnesses could have been caused and/or aggravated by the nature of his employment as a public schools elementary grades teacher and property custodian of the school." This action of the hearing officer is in line with the doctrine laid down in *Madrigal Shipping Co. vs. Melad*, 7 SCRA 330, "that the Workmen's Compensation Law should be construed fairly, reasonably, or liberally in favor of and for the benefit of employees and their dependents and that all doubts as to right of compensation should be resolved in their favor and all presumptions should be indulged in their favor . . ."

It has been shown that the petitioner was afflicted with pulmonary tuberculosis as early as 1965; and that said ailment recurred in 1971 forcing him to stop working on July 4, 1971. In *Victorias Milling vs. Workmen's Compensation Commission*, 28 SCRA 285, it was held that "social justice in workmen's compensation cases is not equality but protection of the laborer as against the employer who has resources to secure able legal advice."

ACCORDINGLY, the decision of respondent Workmen's Compensation Commission, dated January 30, 1976 is SET ASIDE, and the judgment of Acting Referee Tomas G. Montisenes is hereby REINSTATED and AFFIRMED.

SO ORDERED.

Teehankee (Chairman) and Plana, JJ., concur.

Melencio-Herrera and Vasquez, JJ., in the result.

Gutierrez, Jr., J., took no part.

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