

OPERATORS, INCORPORATED, PETITIONER, VS. RICARDO CACATIAN AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-26173. October 31, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

It is to be admitted that this petition for the review of a decision of respondent Workmen's Compensation Commission recognizing the right to compensation of an employee suffering from epilepsy resulting from a fall while on duty, his head hitting the cement floor, and rejecting the defense that the cause was idiopathic, is not without its element of novelty. Hence, it was given due course. Nonetheless, there is no warrant for a deviation from, much less a disregard of, settled doctrines to which we have consistently and repeatedly adhered. It is our view that on the facts as found by respondent Commission, petitioner, Operators, Incorporated, cannot escape from the liability imposed by law to pay the compensation awarded. It would be to reverse the clear policy of the Workmen's Compensation Act as reflected explicitly in its provisions and in a host of decisions rendered by us if in this case the persistence of the employer to avoid payment would meet with success. That, we are not disposed to do. We affirm.

The facts as found by respondent Workmen's Compensation Commission follow: "Records disclose that claimant Ricardo Cacatian was first employed by the American Biscuit Company, Inc. as a cook in 1939 and continued as such until he stopped working at the outbreak of the war; that after liberation he returned and worked as a mixer and cook in the sweets department, then he was transferred to the coating department where his job consisted of cooling the pan and cooking gums used in the making of chicklets; that claimant was receiving a daily wage of P10.00 and worked six (6) days a week; that on May 7, 1954 while claimant was actually in line of duty, he suddenly lost consciousness and fell; that because of said fall, his head hit the cement floor; that this incident was seen by claimant's foreman and companion at the time, Marcelo Teodoro, who lifted him and placed him on the table outside the coating department; that as a result of said accident, claimant was taken to the San Juan de Dios Hospital where he was confined up to May 8, 1954; that after his discharge from the said hospital, claimant was treated at home for two (2) weeks by Dr. Luzon Cruz; that because Dr. Cruz found the claimant suffering from epilepsy, the latter was brought to the National Mental Hospital on May 28, 1954; that at the time of claimant's discharge from the National Mental Hospital, he was [suffering from hallucinations]; that he can be ill all his life unless the injury to his head is pinpointed; that claimant's accident was not reported to the management; and that after the incident, claimant was not able to report for duty with the respondents, as a matter of fact, he is still at present physically disabled to perform any kind of work." [1]

It was likewise stated in the above decision: "Records also reveal that claimant's sudden loss of consciousness on May 7, 1954 was due to abnormal discharge of electrical brain waves which is not epilepsy; as a matter of fact such abnormal discharge of electrical brain waves may happen even to a normal individual; that epilepsy although hereditary may also be caused by an injury to the head due to a fall; that nobody in the family of the claimant had

the disease of epilepsy; and that claimant prior to his accident on May 7, 1954 was not afflicted by the said disease." [2]

In the light of the above, respondent Commission reached this conclusion: "Certainly, considered in the light of the foregoing factual background, there could hardly be any doubt that the preponderance of probabilities veers towards the direction that the injury to the head sustained by the claimant when his head hit the cement floor on May 7, 1954 while actually in the course of his employment must have caused his ailment of epilepsy. The fact that the claimant who was known to be free from epilepsy was found afflicted with the disease after his aforementioned accident on May 7, 1954 and the medical testimony of Dr. Gerardo Lumba who had a hand in the treatment of claimant's illness while he was confined at the National Mental Hospital that the injury he sustained when he fell and his head hit the cement floor might have caused his epilepsy, more than justify this conclusion." [3]

1. The principal error assigned in the brief of petitioner is that respondent Commission, instead of reaching the above conclusion, should have held that the epilepsy was due to a pre-existing disease, idiopathic in character, caused by extraneous factors other than the condition of employment. Petitioner would thus have us disregard the above findings of facts, which commend itself for its plausibility and reasonableness. This, we cannot do. What we said in *Victorias Milling Co., Inc. v. Workmen's Compensation Commission*, [4] decided only a few months ago, will explain why. Thus: "Again, petitioner ought to have been aware that under the doctrine repeatedly announced by this Court, the above findings of fact are not for us to review or to disregard. They bind us; we have to accept their conclusive character. It would be different if there is no support in the proof offered. Such is not the case however. They are based on the substantial evidence of record."

2. Nor can it be said that petitioner was successful in its effort to show that the claimant's condition was idiopathic in character. Petitioner would stress in its brief: "Even assuming *arguendo* only that the epilepsy was contracted by the claimant in the course of his employment with herein petitioner; nevertheless, the same is not compensable, because it was an [idiopathic disease] caused primarily by conditions inherent in his physical constitution and aggravated by the circumstances of his personal life, among which were the evening classes he attended as a civil engineering student, the preparation he had to make for the final examinations, and the emotional difficulties he was having with his sweetheart, Arsenia Calderon, climaxed by his violent quarrel with her at about a quarter to one o'clock in the afternoon of May 7, 1954." [5] The solidity of the proof offered on behalf of respondent Cacatian would render futile such an attempt to ascribe the resulting illness to causes other than that found in the decision now under review.

As a matter of fact, it cannot be accurately stated that this attempt of petitioner suffices to overcome the statutory presumption that in the absence of substantial evidence to the contrary, the claim comes within the provision of the Workmen's Compensation Act. [6] The burden of proof is therefore on the employer resisting the claim. To repeat, petitioner here was unsuccessful in such attempt. Evidence of a much stronger character is needed to justify a reversal of the conclusion reached by respondent Commission.

A decision from an American state court would make even more evident why reliance on, the alleged idiopathic character of the epileptic condition of respondent Cacatian is futile. In *Chicago Park District v. Industrial Commission*, [7] a similar contention that epilepsy was a latent disease which was "brought into activity and aggravated" by the employee who had gone into a tool shed and was struck by a heavy door as he came out was rejected. Thus: "This court has held that where pre-existing conditions of diseases are aggravated by an accidental injury, the disability resulting from such aggravation is compensable. * * * The disputed questions of fact were heard by the arbitrator and the Commission, and their finding is confirmed by the superior court. We are unable to say that their finding in that matter was contrary to the manifest weight of the evidence, and unless it is so

contrary this court has uniformly held it will not disturb the finding of the commission."

Since, as noted at the outset, this petition raised a novel question, another American decision, likewise from a state court, may be cited for its persuasive force. In *Rialto Mining Co. v. Yokum*,^[8] the facts as found by the court follow: "The record discloses that on the 16th day of November, 1927, claimant, while in the employ of the Rialto Mining Company, sustained an injury to his left eye, which resulted in a total loss of vision thereto. He was allowed a lump sum award therefor in the sum of \$1,193.38, which amount has been fully paid by petitioners. Thereafter claimant contracted epilepsy, and on May 28, 1931, he filed a motion to reopen the case because of a change in condition, and prayed that he be awarded additional compensation. The motion was granted by the commission, and upon further hearing claimant was allowed additional compensation because of temporary total disability."

The employer would on the above facts emphasize what it considered the speculative character of the evidence relied upon. The Supreme Court of Oklahoma was not impressed. Thus: "The award is challenged by petitioners on the ground that the evidence is insufficient to sustain it. The evidence is conclusive that since the former award claimant contracted the disease of epilepsy and that he has suffered disability by reason thereof. It is the contention of petitioners that the evidence is insufficient to sustain the finding of the commission that this condition was caused by the original injury. The injury was caused by a boulder striking claimant in the eye while he was engaged in breaking rock. There is some evidence in the record tending to establish that his present condition is due to this injury. Three physicians testified in the case, and, while they agree that the origin of epilepsy has not yet been definitely discovered by medical science, and that its origin is highly speculative, yet they agree that it frequently results from trauma. They also agree that there are several different types of this disease, among which is a type known as Jacksonian epilepsy, and that this type of disease is frequently caused by trauma. * * * Petitioners contend that the award is based on mere conjecture and speculation. We do not agree with this contention. There is some evidence in the record from which the conclusion can be reached that claimant's present condition is in all probability due to the original injury. This is sufficient." For us, likewise, the evidence relied upon by respondent Cacatian and found persuasive by respondent Workmen's Compensation Commission cannot just be ignored or brushed aside. There is no justification for a conclusion that would set at naught claimant's right to compensation.

3. With the principal error assigned thus disposed of, it is easily understandable why the judgment should be one of affirmance. There are other errors attributed to respondent Commission, but they are inconsequential in character.

It is much too late in the day to complain about the long delay in instituting the claim here of seven years. This Court in 1965 categorically declared that the failure to file a claim within the statutory period does not affect the jurisdiction of the Workmen's Compensation Commission.^[9] Such a doctrine found mention in a 1968 decision, *Pampanga Sugar Mills v. Vda. de Espeleta*,^[10] citing two cases decided the year before.^[11] In the first, it took the claimant eight years and in the second, nine years before the right to compensation was sought to be enforced. Its non-jurisdictional character was stressed anew in *Victorias Milling Co., Inc. v. Workmen's Compensation Commission*, announced less than two months later.^[12] To the same effect are later cases likewise of 1968 vintage.^[13] We have had occasion this year to rule similarly.^[14]

4. Nor could it be said, as likewise alleged in the brief of petitioner, that the pecuniary liability imposed on it is not in accordance with the provisions of the law. As set forth in the decision of the hearing officer which in turn was affirmed by respondent Commission: "Under Section 14 of the Act as amended, an employee or worker disabled for labor shall be entitled to 60% of his average weekly wage during the entire period of his disability but not to exceed 208 weeks nor the aggregate sum in its entirety exceed P4,000.00. Definitely from May 7, 1954

up to the present is more than 208 weeks. Records show that claimant's average weekly wage was P60.00 (P10.00 x 6). Sixty per cent of P60.00 is P36.00 or P35.00 the maximum allowed by the Act and for 208 weeks claimant is entitled to P7,280.00 or P4,000.00, the maximum allowed under the Act." [15] It suffices, therefore, in the decision under review, for the respondent Commission to state: "We also find on review that the computation of the amount of compensation stated in the decision under consideration is in accordance with the provisions of the Workmen's Compensation Act, as amended." [16] There is no occasion to pass upon the question of non-controversion, as respondent Commission did consider and did reject, in view of its lack of persuasive character, the defense offered by petitioner.

5. To repeat, respondent Cacatian had fully established his right under the law to compensation, and respondent Commission necessarily had to respect and enforce that right.

WHEREFORE, the decision of the respondent Workmen's Compensation Commission of March 31, 1966 is affirmed. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Teehankee, and Barredo, JJ., concur.

[1] Petition for Certiorari, Annex B, pp. 20-21.

[2] Ibid, p. 21.

[3] Ibid, pp. 21-22.

[4] L-25665, May 22, 1969. See also *Batangas Transportation Co. v. Rivera*, L-14427, August 29, 1960; *Victorias Milling Co., Inc. v. Workmen's Compensation Commission*, 22 SCRA 1215 (1968).

[5] Brief for the Petitioner, p. 17.

[6] Section 44. Cf. *Iloilo Dock and Engineering Co. v. Workmen's Compensation Com.*, 5 SCRA 394 (1962); *Naira v. Workmen's Compensation Com.*, 6 SCRA 361 (1962); *A.D. Santos, Inc. v. De Sapon*, 16 SCRA 791 (1966); *Industrial Textile Manufacturing Co. v. Florzo*, 17 SCRA 1104 (1966); *Justiniano v. Workmen's Compensation Com.*, 18 SCRA 677 (1966); *Nat. Dev. Co. v. Workmen's Compensation Com.*, 19 SCRA 861 (1967); *Nat. Dev. Co. v. Ayson*, 20 SCRA 192 (1967); *Manila Railroad Co. v. Workmen's Compensation Com.*, 21 SCRA 98 (1967); *Surigao Consolidated Mining Co. v. Workmen's Compensation Com.*, 23 SCRA 820 (1968); *Central Azucarera Don Pedro v. Workmen's Compensation Com.*, 24 SCRA 484 (1968).

[7] 24 N.E., 2d, 358, 360 (1939). Cf. *Sears-Roebuck & Co. v. Finney*, 89 S.W. (2) 749 (1936).

[8] 5 Pac. (2) 1065 (1931).

[9] *Manila Railroad Co. v. Perez*, L-21071, June 29, 1965.

[10] 22 SCRA 325 (1968).

[11] *Nat. Dev. Co. v. Ayson*, 20 SCRA 192 and *Nat. Dev. Co. v. Rongavilla*, 20 SCRA 1172.

[12] 22 SCRA 1215 (1968).

[13] *Surigao Consolidated Mining Co. v. Workmen's Compensation Com.*, 23 SCRA 820 (1968); *Manila Railroad Co. v. Rivera*, 23 SCRA 922 (1968); *San Miguel Brewery v. Vda. de Joves*, 23 SCRA 1093 (1968).

[14] Victorias Milling Co., Inc. v. Dadivas, 27 SCRA 413 (1969).

[15] Petition for Certiorari, Annex A, p. 16.

[16] Ibid, Annex B, p. 28.

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