

BLUE BAR COCONUT COMPANY, THE EMPLOYERS; LIABILITY ASSURANCE CORPORATION, LTD., AND E. E. ELSE, INC., PETITIONERS, VS. JOAQUIN BOO, RESPONDENT.

G.R. No. L-6920. September 28, 1954

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal by certiorari from a decision promulgated and signed by the Deputy Workmen's Compensation Commissioner, as provided for in section 46, Republic Act No. 772, in connection with Rule 44 of the Rules of Court.

Joaquin Boo filed with the Workmen's Compensation Commission a "Notice of Injury or Sickness and Claim Compensation" under the Workmen's Compensation Act, averring that prior to 9 October 1951 he was employed by the Blue Bar Coconut Company as a dryer man who regulated the pressure and heat of the dryer, a steam machine for desiccating coconut, and made regular rounds in the compound to supervise the men under his charge, that as a result of the exposure to the heat while operating the dryer and change of temperature when making the rounds he coughed out blood, a symptom of pulmonary-tuberculosis. The ailment disabled him from work and for that reason he was laid off. After hearing the evidence of both parties on the claim the referee rendered a decision, the dispositive part of which reads, as follows:

Wherefore, judgment is for claimant and against the respondents, Blue Bar Coconut Company and E. E. Else, Inc., and it is hereby ordered:

(1) That the respondents, Blue Bar Coconut Company and the insurance carrier hereof pay claimant, through this Commission jointly and severally the sum of P992.14 as compensation due and payable as of February 28[^] 1953; and beginning March 1, 1953 the weekly payment of P13.89 be continued until the physician of the company certifies that the claimant is no longer disabled for work, but not to exceed 208 weeks;

(2) To provide continued medical treatment and hospitalization of the sick laborer; and

(3) To pay the Workmen's Compensation Fund the following:

a. P1.00 for the decision

P1.00

b. P1.00 for every P100 of award which in this case is P992.14; with the reservation to collect additional costs of P1.00 for every P100 of additional award

9.00

Total

P10.00

A motion for review was filed by the respondents. The Deputy Workmen's Compensation Commissioner affirmed the decision of the referee on the merits but excluded the insurance carrier from the liability of paying the compensation awarded, because according to the Deputy Workmen's Compensation Commissioner the payment of the compensation awarded should be made by the Blue Bar Coconut Company alone, without prejudice to its right to reimbursement from the insurance carrier. A petition to set aside the decision was filed, on the ground that the Deputy Workmen's Compensation Commissioner had no jurisdiction to hear and decide the claim in question, the jurisdiction to hear and decide claims for compensation under the Act being vested exclusively in the Workmen's Compensation Commissioner.[1] The petition was denied.

The first ground of the appeal by certiorari filed by the petitioners is the same passed upon by the Deputy Workmen's Compensation Commissioner who ruled that the "exclusive jurisdiction" vested in the Workmen's Compensation Commissioner to hear and decide claims for compensation under the Act is not intended to exclude the Deputy Commissioner from hearing and deciding such claims but to withdraw or take away that jurisdiction from the Justice of the Peace Courts and Courts of First Instance that theretofore had heard and decided workmen's claims for compensation within their respective jurisdictions. To this ruling we agree. The Congress has the power and authority to vest in the Workmen's Compensation Commission the jurisdiction to hear and decide claims under the Workmen's Compensation Act to the exclusion of the Courts that theretofore had exercised such jurisdiction.[2] If the Act intended to exclude the Deputy Workmen's Compensation Commissioner from hearing and deciding compensation claims under the Workmen's Compensation Act, it would have expressly provided that the Deputy Commissioner could hear and decide only in the absence, inability or disqualification of the Commissioner. More, section 50, Republic Act No. 772, provides that-

After the hearing of a case by the Commissioner, his deputy or any of the referees, the same shall be decided according to its merits and the decisions be promulgated and signed by the Commissioner or his deputy. Fifteen days after the promulgation of the decision the same shall become final unless previously appealed.

The petitioners contend that the sickness of the claimant being idiopathic is not compensable and invokes the rule laid down in *Vergara vs. Pampanga Bus Company*, 62 Phil., 820, 823; that the claimant having been disabled for work on 11 October 1951 it was error to apply the provisions of Republic Act No. 722 which took effect on 20 June 1952. The resolution of these two points will decide the other questions raised by the petitioners.

The referee makes of the evidence the following resume:

The evidence for the claimant, Joaquin Boo, may be summarized as follows: that the claimant entered the service of the respondent company since 1946; that before he was admitted in the service, he was physically examined by the doctor of the respondent company; that he was insured by the Philippine American Life Insurance Company in April, 1948, after being X-rayed; that his work was to regulate the temperature of the steam machine in drying the coconuts; that in 1948, he had an accident in the room where he was working—while he was inspecting the work of the grinder men and while passing near the motor, he felt an electric shock and was not able to leave the place until the running belt injured his legs making him unconscious; that in October, 1951, when he was found vomiting blood, he was laid off from work; that he was sent by the physician of the company Dr. Artemio Masangkay, to the Quezon Institute for treatment and that he stayed in the hospital from November 13, 1951 to March, 1952, where he was treated by Dr. Bautista; that the respondent company has supplied him medicine and had given him the amount of P100.00 for hospital expenses; and that due to the fact that he had no more money, he left the Quezon Institute.

Dr. Artemio Masangkay, the physician of the Blue Bar Coconut Company, testified that he is the physician of the respondent company; that he admitted having physically examined Joaquin Boo when he entered the

service of the respondent company and that Joaquin Boo was found to be physically healthy; that he attended the claimant when he met an accident in 1948 inside the factory; that the claimant stumbled down and was cut by the running belt producing two lacerated wounds on the legs and multiple contusions in the body and arms; that he treated the claimant for about 5 months; that in his opinion the laborer has completely recovered from his injuries that for the accident, the company paid the injured man as compensation the sum of P600; that in 1951, he treated the claimant when the latter vomited blood for two weeks and later sent him to the Quezon Institute for treatment; and that the diagnosis made in the Quezon Institute by X-ray shows T.B. moderately advanced. Dr. Masangkay also certified that the nature of the work of the claimant, regulating the pressure and heat of the dryer, indirectly affected his sickness of tuberculosis explaining that the abrupt or sudden changes of temperature that the claimant was subjected to had something to do with lowering of body resistance which favored the growth and flare up of the tuberculosis lesion, and that the lack of sleep of claimant due to his work at night also aggravated to a great extent the development of the disease.

From this resume it may be inferred that when in 1946 he was engaged by, or admitted into the service of, the company, the claimant was free from disease, because a physical examination of the claimant by a physician of the company preceded his admission into its service; that he continued in the same physical condition up to April 1948 when the Philippine American Life Insurance Company insured him after an examination had been made and an X-ray taken. If the claimant was already infected before his admission into the company's service, the ailment must have been latent and for that reason the company and insurance physicians were unable to detect the bacilli when the claimant was examined in 1946 and 1948. If he was not infected before he was taken in by the company or if he was later infected while in the service of the company, the fact that he was stricken with the sickness, as shown by haemoptysis, is a strong indication that it was the result of the nature of his work or employment. The claimant has made out his case and the burden of proof shifted to the company. The latter must show that the lessening of the claimant's resistance was due to causes other than the nature of his work or employment, such as dissipation, excesses or lack of sleep and the like. For three years the claimant's body was subjected and exposed to constant changes of temperature. Lack of sleep due to claimant's work at night in the company's factory predisposed him to contract the disease or contributed a great deal to the development and progress of his ailment. It is not surprising, therefore, that in October, 1951 he was found suffering from tuberculosis and had to be laid off as the sickness disabled him from doing his work. It could not have been the direct result of the accident in 1948 because, according to the testimony of the company's physician, the claimant completely recovered from his injuries and for which he was fully compensated. The report on the sickness of the claimant submitted on 11 September 1952 by the company's physician, Dr. Artemio Masangkay, states the following:

Pulmonary tuberculosis, both lungs with cavity on the left, and the cause of the disease is infection.

And the report submitted by Dr. Bautista of the Quezon Institute on 11 October 1952 reveals—

* * * that the nature and the degree of the disease is chronic, active, moderately advanced bilateral pulmonary tuberculosis with cavity on the left, * * *.

Whether the claimant's sickness was by infection prior to his entering the service of the company in 1946 or during and in the course of his employment, there is no question that it was aggravated by or the result of the nature of his work or employment in the company's factory. If the sickness was the result of infection and aggravated by causes other than the nature of his work or employment it would not be compensable. But if it was caused or aggravated as a result of the nature of his work or employment in the company's factory it would be compensable. In other words, even if the claimant was infected prior to his engagement by the company or subsequent thereto or during the employment, an infection, not detected by the company and insurance physicians, if aggravated by the nature of the claimant's work, to such an extent that he was disabled and had to be

laid off from work, would be compensable. Such is the situation of the claimant in this case.

The fact that the term "tuberculosis" and the words "either aggravated by" are inserted by Republic Act No. 772, amending section 2 of the Workmen's Compensation Act (No. 3426, as amended), which took effect on 20 June 1952 only, does not change the import of the legal provisions concerning the employer's liability to give compensation to a laborer who was disabled by an ailment which was the result of the nature of his work or employment, as provided for in the original Workmen's Compensation Act (No. 3428, as amended by Act No. 3812). As already stated, if the claimant was not infected when in 1946 he was engaged by the company as a dryer man in its factory and he contracted the disease after the accident according to the company's physician, it is a logical inference that he contracted the illness as a result of the nature of his work or employment. There is no need for the amendatory terms of section 2 inserted by Republic Act No. 772, except for the purpose of clarification, because under the terms of the original section 2 of Act No. 3428, as amended by Act No. 3812, the company is liable to pay the compensation therein provided. And the company must have been of that belief, for in its "report of accident or sickness," dated 11 September 1952, submitted to the Workmen's Compensation Commission, the question as to whether the employer will in due time pay the compensation as provided for in Act No. 3428, as amended, was answered in the affirmative. In view of the conclusion arrived at the other errors allegedly committed by the Workmen's Compensation Commission need not be passed upon.

The decision under review is affirmed, with costs against the petitioners.

Paras, C.J., Pablo, Bengzon, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

[1] Section 46, Republic Act No. 772.

[2] Section 2, Article VIII, Constitution of the Philippines.

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