

VALERIANA O. MORALES, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION (BUREAU OF PUBLIC SCHOOLS), RESPONDENT.

G.R. No. L-43856. March 31, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition for certiorari to review the decision of the Workmen's Compensation Commission dated January 12, 1976 affirming the decision of Regional Office No. 5, Legaspi City dated December 16, 1975, dismissing the petitioner's claim for compensation benefits against the Republic of the Philippines (Bureau of Public Schools). This Court, by resolution dated August 1, 1976, gave due course to the petition, treated it as a special civil action and required the parties to file simultaneous memoranda.

The following facts are embodied in the decision of the respondent Commission:

"It appears from the records of this case that claimant joined the service of the respondent in 1938 as a teacher and retired from the service on June 4, 1973, at the rate of P4,188.00 per annum; that per service record her service was continuous from 1952 to her date of retirement in 1972; that on September 18, 1971, she was allegedly treated by Dr. Agustin F. Cuevas for amoebiasis, intestinal, colitis, amoebic, gastritis and anemia; that after treatment, her ailments were off and on; that from February 23, 1973 up to April 14, 1973, she was on sick leave allegedly due to an illness; that she retired on June 4, 1973 at the age of 60 years (1) month and (6) days, having been born on April 28, 1913.

"It is from the foregoing facts as found by us that we are to resolve on whether or not there was any causal connection between claimant's ailment of the intestines caused by amoeba which resulted into the inflammation of her intestines and stomach walls and her former work as teacher of respondent Bureau. We find no error in the decision of the Referee below when he dismissed this claim for lack of merit. Firstly (1), there was no showing in the records that the claimant's work as a teacher had exposed her to amoeba, which is a parasite taken in thru food and drinking water, or thru dirty hands. Moreover, (2) her own service record showed that there was no disability for labor from the time of her employment up to her retirement in 1973. Furthermore, (3) her retirement from the service had failed to show that it was due to any disability" (underlining supplied; p. 10, rec.).

The decision under review must be set aside.

There is sufficient evidence that as a grade school teacher assigned in several barrio schools, petitioner had been exposed to amoeba, a parasite taken thru the food and drinking water or thru dirty hands. Petitioner offered Exhibit A, Annex B of petition, which positively established that during her entire government service as a public school teacher,

"x x I had been assigned to teach in several barrio schools where the only source of drinking water was the ordinary open wells. During those times I had no inkling that those sources of drinking water could have been polluted. As a result I started having abdominal pains which began to bother me and affected my health and

efficiency as a classroom teacher until finally I was forced to retire from the service prior to the forced retirement age. Moreover, while participating in scouting activities I had to drink water in the barrios which I think only now was unfit to drink. Aside from this scouting activities I had to do other extracurricular activities like adult education and food production drive in the barrios which consumed my time and consequently I was always forced then to take my meals and drank (sic) water available in the barrios. In addition, while living in the barrios as a teacher I had to drink whatever water offered me especially during public gatherings. Thus, I felt I got the sickness from the barrios where I was assigned to teach because it was only during and after my teaching assignment there that I began to suffer the sickness until at present. I began to feel weak and anemic."

Petitioner's Exhibit A, Annex G of petition, an affidavit executed by Dr. Agustin F. Cuevas, a licensed active private medical practitioner in Daet, Camarines Norte, strongly corroborated petitioner's Exhibit A, as well as showed that petitioner's ailment disabled her for labor from time to time during her employment up to her retirement in 1973, thus:

"x x x Mrs. Valeriana O. Morales has been my patient for intestinal amoebiasis on and off since September 18, 1971 and the last time I treated her was on March 31, 1975 when she was confined at G.S. Briola Hospital in Daet, Camarines Norte for chronic intestinal amoebiasis;

"4. That intestinal amoebiasis can be acquired by drinking water from open wells in her teaching stations;

"5. That this condition may be cured but rather resistant to treatment particularly since this condition is endemic in Camarines Norte, especially in the barrios, the possibility of reinfestation is highly probable;

"6. That definitely this disease is disabling since it produces a chronic anemia and frequently affects the liver where it may gradually develop as amoebic abscess of the liver."

Exhibit D, Annex B of petition, also confirmed that petitioner was on sick leave from February 23, 1973 up to April 14, 1973; that in spite of constant treatment, her ailment of intestinal amoebiasis was on and off; that she was suffering from "chronic diarrhea with blood and sometimes mucus in my stool with gas pains, which continued for a long time," and which Dr. Cuevas found to be "amoebic dysentery or intestinal histolytica"; that her health, according to her school principal (Annex F, Exh. E), "deteriorated and as a result of which she was often absent"; and that she had to retire effective June 4, 1973, at age 60, after about 35 years of government service, for she was no longer physically fit to continue serving efficiently as a school teacher, "in order to rehabilitate her failing health and prolong her life."

Aside from actual proof of disability arising from her employment, the presumption of compensability as long as the ailment supervenes during employment, remains un rebutted.

Memorandum-Circular No. 133 issued by the Executive Secretary on October 16, 1967 allows optional retirement before reaching the compulsory retirement age of 65 only when the employee "is physically incapacitated to render sound, efficient service."

ACCORDINGLY, THE DECISION OF THE WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY ORDERED:

(1) TO PAY CLAIMANT VALERIANA O. MORALES

[A] THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS COMPENSATION BENEFITS;

[B] THE EXPENSES INCURRED FOR MEDICAL AND HOSPITAL SERVICES DULY SUPPORTED BY RECEIPTS; AND

[C] ATTORNEY'S FEES EQUIVALENT TO 10% OF THE TOTAL RECEIVABLE AMOUNT;

(2) TO PROVIDE CLAIMANT SUCH MEDICAL AND HOSPITAL SERVICES AS REQUIRED BY THE NATURE OF HER AILMENT; AND

(3) TO PAY THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY ONE [P61.00] PESOS AS ADMINISTRATIVE FEES:

Teehankee, (Chairman), Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

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