

PETRONILA T. CABALQUINTO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, (BUREAU OF PUBLIC SCHOOLS), THE WORKMEN'S COMPENSATION COMMISSION (DEFUNCT), SEVERO M. PUCAN, IN HIS CAPAC...

G.R. No. L-45141. January 27, 1981

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. 150257-388-XVII entitled "Petronila T. Cabalquinto, claimant, versus Republic of the Philippines (Bureau of Public Schools), respondent" reversing the decision of the Hearing Referee and absolving the respondent from any liability.[1] The petitioner contends that the respondent appealed to the Workmen's Compensation Commission beyond the period for appeal. Hence the decision of the Acting Referee had become final.

On March 12, 1974 Petronila T. Cabalquinto, a public school teacher and principal I of the Bureau of Public Schools in the Pasuc Primary School, Badoc, Ilocos Norte, filed with Regional Office No. 4, Department of Labor, a claim for compensation by reason of chronic muscular rheumatism, hypertension and weak heart allegedly contracted while in the employment of, and/or aggravated by the nature of her work with, the respondent.

Transmittal letters together with the Notice of Claim were duly served on March 18, 1974 to the respondent and the Solicitor General. Despite the lapse of the reglementary period, the record fails to show that the respondent filed its controversion. However, the case was heard on the merits.[2] Thereafter, the Acting Referee rendered a decision dated August 28, 1974 the dispositive part of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the claimant and against the respondent ordering the latter to pay the following:

- To the claimant, thru this Office, the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits;
- To the claimant's counsel of record, Atty. Miguel A. Inocencio, the sum of THREE HUNDRED PESOS (P300.00) as attorney's fees; and,
- To this Office, the sum of SIXTY-ONE PESOS (P61.00) as administrative fees pursuant to Section 55 of the Act, as amended.

"SO ORDERED.

"Manila, Philippines, August 28, 1974."[3]

The respondent appealed to the Workmen's Compensation Commission which absolved the respondent from any liability on the ground that it is not true "that the claimant had to stop working or was ever incapacitated for labor previous to her retirement." [4]

According to the Acting Referee, the evidence adduced by both parties established the following material points:

"Claimant started working with the respondent, Republic of the Philippines (Bureau of Public Schools) on November 1, 1932 as classroom teacher of Grade 1 and II pupils of Pasuc Primary School, Badoc, Ilocos Norte. After five (5) years of serving the respondent as a classroom teacher, she was designated as head teacher of San Pedro Elementary School, Narvacan, Ilocos Sur where claimant supervised eleven teachers of the said school, visited classrooms once or twice a week, checked lesson plans of teachers and made teaching observations once a month, looked after the upkeep of the school ground and rooms, proposed plans in the construction of buildings, fences, gates, toilets and recommended repair work needed in buildings, helped deliberate on plans and execute district undertakings and attended seminars, conferences, workshops, in the school district and division level. In addition to these duties, claimant also taught English subject for two periods in Grade VI. On January 15, 1970, she was promoted to Principal I with the same place of assignment - performing the same duties with some additional works such as direct seminars, lecture and act as consultant during demonstrations and delegate during municipal and provincial campaigns for beautification of the school and community. She also led teachers and pupils do the YCAP works. She met many problems, the most pressing one was to raise funds for the improvement of the school by holding benefits and popularity contest and thru self-help method. Claimant's tour of duty was from 7:30 A.M. to 12:00 Noon, and then, from 1:00 P.M. to 5:00 P.M., Monday to Friday and from 8:00 A.M. to 1:00 P.M. during Saturdays. During Saturdays, claimant had to make schedules for teachers and sometimes she went around supervising community works such as putting up water sealed toilets, putting fences and making composit pit for garbage. Claimant was retired from the service on October 6, 1973 as Principal I of San Pedro Elementary School, Narvacan, Ilocos Sur with a last annual salary of P5,112.00 (Exhibit "B").

"In the course of employment, claimant suffered from several ailments and upon consultation with her attending physician, Dr. Alfredo A. Cadena, her ailments were diagnosed as Chronic Muscular Rheumatism and Weak Heart (Exhibits "C" and "E"). Her first treatment was on August 15, 1971 when Dr. Alfredo Cadena made a home visit to her at her residence at Narvacan, Ilocos Sur. After a thorough medical examination and taking the history of the case, the claimant was found to be suffering from hypertension - blood pressure then was 190/104-, chronic muscular rheumatism and she manifested symptoms of dyspnea and easily get tired. In the report issued by Dr. Alfredo A. Cadena, he ventured the opinion that the claimant's ailments were the result of the nature of her employment; that the same were aggravated by the nature of her duties as principal-teacher; and, that said ailments resulted in claimant's permanent total disability for labor. In support thereof, he stated in the said report that claimant's job as a principal-teacher and the burden of works in the school together with extra-curricular activities aggravated her physical condition for the same rendered her lack of necessary rest and sleep and exposed her to bad weather especially so during rainy season so that he advised the claimant to retire from the service. Up to the present, claimant still consults Dr. Alfredo A. Cadena from time to time for treatment of her ailments. Claimant further testified that aside from Dr. Cadena, she also consulted Dr. Tomas F. Acosta for the same ailments (Exhibits "D" and "D-1"). When she could no longer stand the pain of her ailments, claimant finally stopped working on September 19, 1973 and altogether retired on October 6, 1973. She was advised to take different medicines, among which are: Serpasil injs., cormin injs., thiamine HCL injs., Ser Ap Es tbs., serpasil tbs., rodopa pills, alaxan tbsl, rejuvan tbsl., and dehyprale pills.

"Claimant incurred expenses for professional fees and medicines in the course of her treatment in the amount of P3,000.00, more or less, which, however, is not properly supported by official receipts." [5]

The record shows that in 1932 when the claimant, petitioner herein, entered the employment of the respondent she was in good health and free from any ailment. It was only in 1971 during her employment with the respondent that the petitioner experienced symptoms of her ailments. There is no question that the ailments of the petitioner supervened during her employment with the respondent. Hence, there is a disputable presumption that the claim is compensable. [6] The claimant is relieved of the duty to prove causation as it is then legally presumed that the ailments arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable. [7]

The respondent has failed to overcome the presumption and the evidence adduced by the petitioner.

It is no longer necessary to pass upon the timeliness of the appeal of the respondent to the Workmen's Compensation Commission.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the respondent Republic of the Philippines (Bureau of Public Schools) is ordered to pay:

1. To the petitioner the sum of SIX THOUSAND PESOS (P6,000.00), as disability compensation benefit and the sum of SIX HUNDRED PESOS (P600.00) as attorney's fees; and

2. To pay the successor of the Workmen's Compensation Commission the sum of SIXTY-ONE PESOS (P61.00) as administrative fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

[1] Rollo, p. 19.

[2] Rollo, p. 11.

[3] Rollo, p. 15.

[4] Rollo, p. 19.

[5] Rollo, pp. 11-14.

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

[7] Balanga vs. Workmen's Compensation Commission, et al., 83 SCRA 721.

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