

LETICIA B. BELMONTE, FOR HERSELF AND IN BEHALF OF HER MINOR CHILDREN, NAMELY, CANDELARIA, DANIEL, FRANCIS, ZENAIDA, AND JERRY, ALL SURNAMED BELMONTE, PETITIONERS, VS. WORKMEN’S ...

G.R. No. L-38332. July 26, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court reverses respondents commission's decision against petitioners' claim for death benefits and instead reinstates the referee's original decision on the ground that even though the illness of hypertension which caused the fatal stroke of the deceased may not have been directly caused by his employment nor the nature thereof, still it has been sufficiently shown that said illness was aggravated by his employment of 24 years performing the duties (many times simultaneously) of letter-carrier and acting postmaster at the Barotac Nuevo post office and the resulting death was therefore compensable. Furthermore, no substantial evidence has been submitted or cited by respondent employer to discharge the statutory presumption of compensability as required under section 44 of the Workmen's Compensation Act.

Petitioners as the widow and legitimate minor children of the deceased Eliseo Belmonte have filed on March 11, 1974 this petition for review of the decision and en banc resolution of respondent commission reversing and setting aside the decision of referee Ricardo Jeruta, Jr. dated August 27, 1971 granting P6,000-death compensation, P200.-reimbursement of burial expenses and P300.-attorney's fees to petitioners-claimants, besides a charge of P63.00 against respondent as administrative fees.

Since no factual questions are involved and the single issue of law raised in the petition is that although the illness which caused the death of the deceased, viz, "cerebro-vascular hemorrhage due to hypertension" may not have been directly caused by the employment nor the result of the nature of the employment, still it has been sufficiently shown that said illness was aggravated by his employment of twenty-four years as a letter-carrier and acting postmaster at Barotac Nuevo, Iloilo and the resulting death was therefore compensable, the Court resolved per its resolution of July 10, 1974 to treat the petition as a special civil action with the filing of respondents' comments and answers and to consider the case submitted for decision.

Respondent commission's decision reversing that of its referee accepted the latter's findings as follows:

"It appears that deceased Eliseo Belmonte was in life employed as a letter-carrier of the respondent, Bureau of Posts, since 1945, first on a temporary capacity, and then on permanent capacity from July 1950 up to the time of his death on December 24, 1969. Prior to his demise, he was assigned at the Post Office of Barotac Nuevo, Iloilo where at times he acted as postmaster or postmaster and letter-carrier at the same time, whenever there was no regular postmaster. His working hours were from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. from Monday to Friday and from 8:00 to 1:00 p.m. on Saturdays. At the time of his death, he was receiving an annual salary of P2,676.00.

"As established, his work as a letter-carrier consisted of collecting mails from letter-drop boxes; sort and bundle mails preparatory to delivery; make house to house delivery of mails; attend to the carrier's delivery window; record mails delivered and undelivered; indorse undeliverable mails; deliver and receive mailbags from buses and other conveyances; sort mail bags according to destination, and do other related work not involving money or property responsibility, whenever such work will not retard collection and delivery of mails. When acting as postmaster, his duties were: to be in-charge of the office, accept for filing and issuance of money orders and telegraphic transfers and special withdrawals, answer communications and attend to the complaints of the public." [1]

Neither did respondent commission reject (but it simply passed sub silentio) the following material factual findings in the referee's decision:

"The nature of the duties of the deceased has already been described x x x and we do not hesitate to advance the opinion that it was of the strenuous type; that although he was only a letter-carrier, yet there were times when he was designated to act as postmaster and also as postmaster and letter-carrier simultaneously; that he had to render duty for 8 hours daily from Monday to Friday and 5 hours on Saturday, perform various office work, cover mostly by foot the jurisdictional area of the Barotac Nuevo post office which includes the town proper and outlying barrios, braving inclement weather in order to deliver the mails. So dedicated was deceased in his work that he was graded as 'very satisfactory' in his efficiency, rating by the postmaster (t.s.n. pages 36 and 37, Calantas).

"It was also observed that during the months of December there is always a heavy influx and delivery of mails at the Barotac Nuevo post office; that it was sometime in December, 1969 when deceased complained of their volume of work and verbally requested from the postmaster for a leave but due to office policy that the same will not be granted during the Christmas seasons, he did not go through with it.

"There is no dispute over the medical testimony that deceased's cerebro-vascular hemorrhage was directly caused by hypertension — not by his work; that the hypertension was not traceable to the nature of his employment but by causes which may be personal and unrelated to work. The question now is: since deceased had a case of pre-existing hypertension (t.s.n. page 45, Calantas), was the same possibly aggravated by the nature of his job as to have precipitated the fatal condition of cerebro-vascular hemorrhage? On this score, we have to rule on the affirmative taking into consideration the nature and extent of his duties which we have already decided as bordering on the rigorous category. To bolster our point on the theory of aggravation which we find to be applicable to the case of deceased is the following testimony of witness for claimants, Dr. Nestor Belmonte:

"Q

You stated that any serious or heavy physical exertion may cause blood pressure to go up and will break the weak point in the blood vessel and as a result of this you would have hemorrhage.

'A

Yes, sir.

'Q

Doctor, in view of that statement, if a person therefore engages in heavy physical labor and prolonged activity, can this activity therefore be the cause for this hemorrhage?

'A

Yes, sir. Any increase of physical exertion, mental strain or change in environment may cause the blood pressure to go up. . . . (t.s.n. page 41, Calantas)

'Q

Assuming, doctor, that a person already has hypertension, can this hypertension be further aggravated by heavy work or prolonged physical exertion?

'A

Yes, mental and physical exertion.' (t.s.n. page 43, Calantas)"[2]

Respondent commission however on the theory that "the illness or stroke occurred when there was a temporary suspension of employer and employee relationship and when he was doing something personal" (inspecting his ricefields on a Sunday when he suffered the stroke which caused his death three days later) ruled that "his illness which caused his death had no causal relationship with his employment," rationalizing that —

"The deceased at the time of his death was almost fifty-five (55) years old, an age where hypertension due to arteriosclerosis brought about by the aging process is very common. It is, therefore, safe to assume that he was arteriosclerotic and could have had occasional rise in blood pressure. Cerebral hemorrhage (cause of the deceased's death) is the rupture of a blood vessel in the brain and if the vessel is small it may only cause partial paralysis, but if big, it may cause death, as in this particular case. The stroke occurred on a Sunday, while the deceased was inspecting his ricefields. Fatigue and exposure to too much heat could have triggered the stroke."[3]

The Court has found for petitioners.

Under the above-recited facts and circumstances of the case in the light of the 24 years of dedicated service rendered by the deceased, the Court is convinced of the correctness of the referee's decision that the illness which cut short the life of the deceased at age 55 was associated with his long employment by respondent and falls within the rule of aggravation provided in section 2 of the Workmen's Compensation Act.[4] All that the Act requires to entitle claimants to its benefits is a showing that the nature of the deceased's work and duties did aggravate his illness as in this case.

As stressed by the Court in *Abana vs. Quisumbing*,[5] "(W)hile there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration."

The Court further underscored in *Abana* the significance of the statutory presumptions in section 44 of the Act, particularly, "that the claim comes within the provisions of this Act" (under paragraph 1) in the absence of "substantial evidence to the contrary," in this wise: "(V)iewing the case from a different angle, the exact medical cause of the illness, however, is not really significant. For, granting only for argument's sake, that the evidence for petitioner is insufficient to show a causal link between the nature of his employment and his heart ailment, under the provision of section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that petitioner's illness, which supervened at the time of his employment, either arose out of, or was at least aggravated by, said employment. With this legal presumption, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation. We fail to find in the record any substantial evidence adduced by respondent employer tending to disprove causal connection between claimant's heart ailment and his employment. The mere opinion of doctors presented by petitioner as evidence cannot prevail over the presumption established by law."[6]

The Court's above pronouncements fully apply *mutatis mutandis* to the case at bar.

Suffice it to state finally that no substantial evidence has been submitted or cited by respondent to overcome the statutory presumption of compensability as reinforced by the deceased employee's long and dedicated service of 24 years. Manifestly, respondent commission's mere conjecture in its decision that "fatigue and exposure to too much heat could have triggered the stroke" is utterly inadequate to discharge the presumption. On the contrary, the very factor of "fatigue and exposure to too much heat" cited by the commission could well apply to the 24 years that the deceased as letter-carrier "covered mostly by foot" the whole jurisdictional area of the town faithfully served by him to the point of demonstrating that his illness of hypertension was definitely aggravated, if not directly caused, by the nature of his work over his long years of service.

ACCORDINGLY, the decision and resolution of respondent commission dated August 15, 1973 and January 31, 1974, respectively, are hereby vacated and set aside and in lieu thereof judgment is rendered reinstating and affirming the decision dated August 27, 1971 of the referee. No costs.

Makalintal, C.J., Castro, Makasiar, Esguerra, and Munoz Palma, JJ., concur.

[1] Rollo, pp 24-25.

[2] Rollo, pp. 17-18, emphasis supplied.

[3] Rollo, p. 26.

[4] "SEC. 2. Grounds for compensation. — When an employee suffers personal injury from any accident arising out of and in the course of his employment or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified." (Workmen's Compensation Act)

[5] 22 SCRA 1278, 1282, and cases cited, per Angeles, J., emphasis supplied.

[6] 22 SCRA at p. 1282: emphasis supplied.

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