ZOSIMO CAPACIO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, (BUREAU OF PUBLIC SCHOOLS) RESPONDENT.

G.R. No. L-45484. April 03, 1988

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a9e320996791/

GANCAYCO, J.:

This is a petition for review of the decision of the Workmen's Compensation Commission (WCC) denying the claim of petitioner Zosimo Capacio for compensation benefits under the Workmen's Compensation Act against respondent Republic of the Philippines through the Bureau of Public Schools.

The petitioner was an elementary grade public school teacher assigned in Barrio Matambong, Palapag, Northern Samar. He started working as a substitute teacher and progressed to that of a regular teacher. His service covered a span of 33 years. Finding himself suffering from peptic ulcer, hypertension and schistosomiasis, he retired from the government service on August 13, 1974 at the age of 60 years.

Immediately upon retirement he was called to the Workmen's Compensation Commission Regional Office in Samar for medical check-up by the office physicians. These ailments complained of started from March 19, 1973 and continuously bothered the petitioner up to August 13, 1974, his last day of work. After this medical examination on the petitioner, and after the lapse of almost a month he was treated up to September 15, 1974. A further examination was conducted on August 13, 1974, when an EKG test was taken. He stopped teaching after August 13, 1974. Another EKG examination of petitioner was made on July 22, 1975. He sought workmen’s compensation after this disabling sickness.

The claim of the petitioner was initially heard by the hearing officer, Romeo M. Resuello of Regional Office No. 9, Department of Labor, Tacloban City, Leyte. After the hearing, petitioner was awarded the amount of P5,693.57 as sickness compensation and reimbursement of medical and hospital expenses on November 24, 1975. The award states -

> "It appearing upon perusal of the records, that claimant Zosimo C. Capacio contracted illness (Peptic ulcer, hypertension and schistosomiasis) on March 19, 1973, which either supervened in the course of his employment as a public school teacher (with an average weekly wage of P90.53) of the respondent, or was aggravated by or the result of the nature of such employment, and it appearing further that the respondent failed to controvert the claimant's right to compensation within 14 days from the date of disability or within 10 days from knowledge thereof, pursuant to Section 45 of the Act, as amended, resulting as it did, in the loss of its non-jurisdictional defense and ultimate admission of the compensability or work connection of claimant's illness, an outright award of compensation in favor of the claimant is, under the circumstance, in order."[1]

The dispositive portion of this award states:

> "Award, therefore, is hereby entered in favor of the claimant of the aforementioned compensation benefits, and the respondent is directed to pay the following:
>
> "1. To the claimant, thru this Office, the sum of FIVE THOUSAND SIX HUNDRED NINETY-THREE

> PESOS and FIFTY-SEVEN centavos (P5,693.57) as compensation and reimbursement for medical and hospital expenses;
>
> "2. To this Office, the amount of FIFTY SEVEN PESOS (P57.00) as fee, pursuant to Sec. 55 of the Act."

A motion for reconsideration of this Award was filed by the Office of the Solicitor General. The Workmen's Compensation Commission, upon review, reversed the aforesaid award.

The Workmen's Compensation Commission took exception to the findings of the Regional Labor Office and reached a contrary opinion. In its Decision the Commission said:

> "Gleaned from the record of this case, claimant had alleged to have been sick of the aforementioned illness sometime on March 19, 1973 and stopped working on August 13, 1974. This was also the exact date when he retired. It is sad to note however, that nowhere in the records could We find any documentary evidence which would substantiate claimant's allegations. While it is true that Dr. Ramon Rabino was once his attending physician, the first and last treatment was conducted only on September 15, 1974, which was one month after the employer-employee relationship had ceased to exist. True, that there is attached to the record on EKG results, likewise, the same should not be given any evidentiary value, it appearing that it was conducted only last July 22, 1975. Of course, there is a showing that claimant was on leave from July 22 to August 13, 1974, there is no showing that it was on account of the illness subject of this claim. This Commission believes that the aforementioned leave of absence was merely preparatory to his retirement, which eventually took effect on August 13, 1974. This Commission is further convinced that claimant retired not as a result of any disabling illness, but rather with the sole aim and purpose of enjoying the benefits afforded him by the Retirement Law after rendering 33 years of service with the government and reaching the age of 60."[2]

We reverse.

The records of the case reveal that the petitioner suffered from peptic ulcer, hypertension and schistosomiasis. Feeling that he could not withstand the rigors and continuous strain of his teaching job with his assignment in a remote barrio which entailed the stamina of walking for one and one-half hours, he retired on his 60th birthday. All along he could have served the whole length of a normal civil service tenure of work with the retirement age of 65. He served a continuous 33 years. His daily hike from the town proper passing through rivers, creeks, streams and rough roads, trails and woodland affected his health. The streams in that region were infested with parasitic worms known as schistosoma haematobium. Indeed, this physical strain took a toll upon his health. It does not take a stretch of the imagination to conclude that this strain had its consequence and adversely affected his health.

There is on record the fact that after retirement, he immediately filed his claim for sickness compensation with the Department of Labor Regional Office No. 9, Workmen's Compensation Unit in Tacloban City. He submitted himself to medical examination by the physician of the Workmen's Compensation Unit. After this examination, the medical officer studied his case and then ordered that the petitioner be hospitalized in Tacloban City. These facts show that the illness of the petitioner occurred during the course of his employment.

The petitioner took the Commission to task for not taking into consideration the mandatory provision of Section 45, Act No. 3428, as amended, wherein the employer (in this case the Bureau of Public Schools) is given up to 14 days from disability, or 10 days after it had knowledge of the alleged illness, to controvert the right of the claimant; otherwise, by operation of law, the employer waives or renounces the right to dispute its liability for said compensation. This provision has been consistently applied by this Court when a condition of this nature confronts Us.

In Manila Railroad Co, vs. Workmen's Compensation Commission and Crispin Pineda,[3] We ruled: "The

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

company's failure to controvert the claim on time amounts to a renunciation of the right to dispute compensability." Again, in Dinaro vs. Workmen's Compensation Commission,[4] We set aside the Commission's dismissal of the claim made by a clerical aide in the District Engineer's Office in Marawi City who contracted pulmonary tuberculosis and rheumatism in the course of his employment. This Court held:

> "The Commission inexplicably failed to apply the express mandate of Section 45 of the Workmen's Compensation Act and issue outright an award, since a failure to controvert is a renunciation of the right to challenge the claim and a waiver of all non-jurisdictional defenses and there is nothing that the employer can legally prove in relation thereto."

Regarding the point of presumption of compensability, We had occasion to rule as follows:

> "Once the illness supervened in the course of employment, rebuttable presumption arises that such illness arose out of or was at least aggravated by such employment and the burden to overthrow such presumption shifts to the employer x x x."[5]

Lately, in Buyco vs. Secretary of Labor[6] We ruled that the presumption of compensability shifts the burden of proof on the employer to show the contrary. Where the illness supervened during the time of employment, there was rebuttable presumption that the illness arose out of or at least was aggravated by the employment.[7]

Thus, the government's stand that failure to file an employer's report did not divest the Workmen’s Compensation Commission of its power to review the Decision of the Regional Office and seek reconsideration is plainly without merit.

We held before that:

- - - Failure to seasonably controvert the compensation claim renders the claim beyond challenge and a waiver of the employer's right to do so.[8]

x x x Main consideration for compensability of illness is that the essential hypertension of the deceased was contracted during and by reason of her employment.[9]

We also stated that an:

> "Employer has the burden to establish the contrary to the presumption of compensability of illness by substantial evidence."[10]

Another point raised by the respondent Commission in its Decision reversing the award is that the petitioner submitted to medical treatment after the employer-employee relationship had ceased. This implies that petitioner's illness was not work-connected as he got sick after his retirement; that the documents submitted proved the existence of petitioner's illness after he retired from his employment, not before.

We disagree.

First, there is no proof that the respondent was able to overcome the presumption under Section 44 of Act No. 3428 that the illness or injury either arose out of, or was at least aggravated by his employment. With this legal presumption, the burden of proof shifts to the employer and not the employee.

Second, the petitioner's ailment occurred while he was an employee - a teacher working under the hazardous conditions of that far-flung town. There is a showing that his illness was caused or was aggravated by his teaching duties. He got his schistosomiasis from his daily hike to his place of work, the barrio school.

As regards a teacher's ailment, We had occasion to say that:

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

> "Presumption of compensability is rendered conclusive by reason of employee's employment as barrio school teacher and working conditions which increased the risk of contracting her illness and failure of employer to rebut presumption."[11]

We likewise made the following observations:

> "Reasonable work connection, not direct causal relation between the disease and employment is the only requirement to establish compensability,[12] and actual proof of causation is not necessary to justify compensability."[13]

In one of Our latest rulings on employment compensation of teachers, We opined:

> "The teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain in the teacher's health shall be recognized as compensable occupational diseases in accordance with existing laws."[14]

ACCORDINGLY, the Decision of the respondent Commission dated March 9, 1976 is hereby REVERSED and SET ASIDE and another judgment is hereby rendered reinstating the original award made by the Hearing Officer of November 24, 1975. No costs. This decision is immediately executory.

SO ORDERED.

Teehankee, C.J., Narvasa, Cruz, and Grino-Aquino, JJ., concur.

---

[1] Page 19, Rollo.

[2] Page 2, Decision of WCC, page 17, Rollo.

[3] 11 SCRA 305.

[4] 70 SCRA 292.

[5] Ruelan vs. Republic, G.R. No. L-42323, April 30, 1976; Ananzano vs. Sagnit, G.R. No. L-40658, June 30, 1976; Valencia vs. WCC, G.R. No. L-41553, July 30, 1976.

[6] 145 SCRA 36.

[7] Labenia vs. WCC, 140 SCRA 437.

[8] Alavado vs. City Government of Tacloban, 139 SCRA 230.

[9] De la Torre vs. Employees' Compensation Commission, 138 SCRA 106.

[10] Supra.

[11] Gonzaga vs. Employees Compensation Commission, 127 SCRA 443.

[12] Neri vs. Employees' Compensation Commission, 127 SCRA 664.

[13] Mercado, Jr. vs. Employees' Compensation Commission, 127 SCRA 664.

[14] Romero vs. Workmen's Compensation Commission, 77 SCRA 482.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.