

PRAXEDES R. REYNALDO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS) AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-43108. June 30, 1976

Ponente: MARTIN, J.

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MARTIN, J.:

Petition for review of the decision of the respondent Workmen's Compensation Commission in O-4-WCC No. 143441 which reversed the award of compensation benefits made by the Acting Referee of Regional Office No. IV, Department of Labor, Manila in favor of the petitioner.

On July 31, 1973, petitioner Praxedes R. Reynaldo filed her claim for compensation benefits because of the illness she has suffered in both her eyes which she allegedly contracted or was aggravated in the course of her employment as a public school teacher of the respondent Bureau of Public Schools.

Despite due notice to the respondent, the latter failed to file an employees report or controversion. Nevertheless the case was set for hearing on the merits. At the hearing, the petitioner tried to establish that sometime in 1948, while she was then in good health, she entered the employ of the respondent as a public school teacher in Banga, Aklan. Some of her duties were to prepare lesson plans, check test papers, teach elementary grade pupils, attend seminars and conferences. After working continuously for 25 years, she contracted aphakia, bilateral and chorio-retinal degeneration, right, which greatly affected her eyesight forcing her to submit to an operation on both eyes at Our Lady of Lourdes Hospital where she was confined for about a week and upon advice of her physician, she went on sick and vacation leave from 1971 to sometime in 1972 when she finally retired at the age of 55 due to the further aggravation of her illness. At the hearing respondent failed to present any substantial evidence to show that her illness was not and could not have been caused or aggravated by the nature of her employment.

After the hearing the Acting Referee of the Regional Office No. IV, Department of Labor awarded the claim of petitioner in the following tenor:

"WHEREFORE, decision is hereby entered in favor of the claimant (petitioner) ordering the respondent (Bureau of Public Schools) to pay:

1. The claimant (petitioner), thru this office, the amount of Six Thousand Pesos (P6,000.00) as total and permanent compensation benefits under Section 15 of the Act plus the amount of One Thousand Eight Hundred Thirty Seven Pesos 85/100 (P1,837.85) as reimbursement of hospitalization and medical expenses pursuant to Section 13 of the Act;
2. Atty. Diosdado A. Reloj, Jr., counsel for claimant, the amount of P300.00 as attorney's fee, pursuant to Section 31 of the Act;
3. To the Workmen's Compensation Fund, the amount of P60.00 as administrative fee pursuant to Section 55

of the Act."

On appeal from the foregoing award, the respondent Workmen's Compensation Commission reversed the same and dismissed the claim of the petitioner on the ground that the illness suffered by the latter is itself degenerative and is not compensable per se and absolved the respondent from any liability.

Hence, this petition to review the decision of the respondent Commission anchored on the following grounds:

1. THAT THE RESPONDENT COMMISSION ERRED IN HOLDING THAT PETITIONER'S ILLNESS CANNOT BE CLASSIFIED AS AN OCCUPATIONAL DISEASE IN CONTEMPLATION OF THE WORKMEN'S COMPENSATION ACT.
2. THAT THE RESPONDENT COMMISSION ERRED IN NOT HOLDING THAT THE PETITIONER'S ILLNESS IS PRESUMED TO BE CONTRACTED IN THE COURSE OF OR AGGRAVATED BY HER EMPLOYMENT AND THEREFORE COMPENSABLE.
3. THAT THE RESPONDENT COMMISSION ERRED IN NOT HOLDING THAT DIRECT PROOF IS NOT NECESSARY TO ESTABLISH THAT THE PETITIONER'S ILLNESS IS NOT TRACEABLE TO THE WORKING CONDITIONS.
4. THAT THE RESPONDENT COMMISSION ERRED IN NOT HOLDING THAT THE RESPONDENT BUREAU OF PUBLIC SCHOOLS' FAILURE TO CONTROVERT THE CLAIM CONSTITUTES A RENUNCIATION AND WAIVER OF ANY DEFENSE AND THEREFORE IT CANNOT PROVE ANYTHING IN RELATION TO THE CLAIM.

In so holding that the petitioner's illness is not an occupational disease, the respondent Commission took the cue from the Medical Report of Dr. Jesus Tamesis which described the disease of the petitioner as "aphakia, bilateral; chorio-retinal degeneration, right." It construed the phrase "chorio retinal degeneration" used in the medical report as an illness that is degenerative and therefore not compensable. It will be noted, however, that the word "degeneration" is used to refer to the right eye only and not to the left eye of the petitioner. From this it can be deduced that while the disease in the right eye of petitioner is degenerative, the left eye is not and therefore can be treated as occupational. Besides, even Dr. Tamesis in his medical report admitted that the illness of the petitioner "may be aggravated." It is not disputed that when the petitioner entered the service of the respondent as a public school teacher she was in perfect health. It was only later when it was discovered that she was suffering from the illness abovementioned. It must be borne in mind that the very nature of her work which requires most of the time the use of her eyes in reading, checking test papers and preparing lesson plans predisposes her to the ailment of the eyes. It is not surprising then that she would succumb to the illness that has befallen her in the course of her employment. In a recent case this Court thru Mr. Justice Claudio Teehankee reiterated the doctrine "that assuming that the deceased employee's illness which caused his death may be ruled out as an occupational disease or that the causal link between the nature of his employment and his ailment has been insufficiently shown, nevertheless, it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act that the employee's illness which supervened during his employment, either arose out of, or was at least aggravated by said employment and with this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation".^[1] In the case before Us respondent failed to discharge that burden. In one case, it was held that where upon application for employment an employee was declared physically fit by the company's physician, the recurrence of an illness in the course of employment sufficiently proves aggravation of the employee's illness by his work.^[2]

But perhaps the strongest reason why the claim of petitioner should be sustained is the fact that respondent failed to controvert the claim of petitioner. Failure on the part of the employer to controvert the claim within the

prescribed period amounts to a waiver of the right to controvert and a renunciation of all defenses.[3] He cannot prove anything in relation to the claim.[4] He cannot even prove that the illness of the petitioner is not work-connected or work-aggravated.

It is further contended by the petitioner that the respondent Commission committed a serious error of law in not holding that direct proof is not necessary to establish that petitioner's illness is traceable to the working conditions. In *Central Azucarera Don Pedro vs. Agno*, [5] it was held that a finding that an employee became sick during his employment and that his sickness was traceable to the working conditions need not be proved directly and that it can be inferred from the facts duly established by substantial evidence. In the case before Us, the petitioner even proved directly that her illness was traceable to her working conditions which was attended by continuous and long use of her eyes in connection with her work. As a matter of fact, even Dr. Tamesis admitted that petitioner's illness may be aggravated by her employment.

IN VIEW OF THE FOREGOING, the decision of the respondent Commission is reversed and set aside and the award made by the Acting Referee of the Regional Office No. IV, Department of Labor is hereby affirmed.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Aquino, JJ., concur.

Aquino, J., was designated to sit in the First Division.

[1] *Talip vs. WCC*, G.R. No. 42575, May 31, 1976; see also *Maria Cristina Fertilizer Co. vs. WCC*, 60 SCRA 228.

[2] *Itoyon-Suyoc Mines vs. Dulay*, L-18974, Sept. 30, 1963, 12 SCRA 599.

[3] *Development Bank of the Philippines vs. WCC*, 49 SCRA 365; *Philippine Graphics Arts, Inc. vs. Mariano*, 53 SCRA 409; *M.R.R. Co. vs. WCC*, L-19773, May 30, 1964, 11 SCRA 305.

[4] *Victorias Milling Co. vs. WCC*, L-10533, May 13, 1957.

[5] L-20424, October 22, 1964, 12 SCRA 178.

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