

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

G.R. No. L-43696. April 22, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition for a review of the decision of the Workmen's Compensation Commission, reversing the decision of the Labor Provincial Office No. VII of San Jose, Antique, granting death benefits to the petitioner Ireneo Francisco as the surviving spouse of Aida Madarcos Francisco, a public school teacher for about 12 years at Caluya, Antique.

The following are the facts not controverted.

The deceased Aida Madarcos Francisco had been employed by the respondent Bureau of Public Schools as a public school teacher with station at Caluya, Antique since June 21, 1962 continuously up to the time of her death on October 19, 1974.

While she was teaching, she was assigned to an elevated place where she had to go up and down and had to hike all the way from the school to her house and vice versa.

During and in the course of her employment and long before the time of her death, she complained of headache, although she continued to discharge her duties as her services were needed by the respondent.

Sometime in 1974, while she was on the family way, she was again attacked by the same ailment but she was not able to file her leave of absence as she was then not yet entitled to apply for a maternity leave. On account of her ailment, she consulted Dr. Eduardo Ausan, the rural health physician of Libertad, Antique who was also assigned as rural health physician of Caluya, Antique and she was diagnosed to be suffering from hypertension.

Later, in the same year, she was again attacked by the same ailment and had to be confined in a hospital at San Jose, Oriental Mindoro where she died on October 19, 1974. The physician found the cause of her death to be that of post eclampsia.

In view of her death, the herein petitioner filed a claim for compensation under the Workmen's Compensation Act. This claim was favorably decided in his favor by Acting Referee of the Labor Provincial Office of Antique as per his decision dated October 30, 1975.

The respondent Bureau of Public Schools appealed the decision of the Hearing Officer to the respondent Workmen's Compensation Commission, which decided the claim adverse to the herein claimant. Hence, this petition, which was treated as a special civil action and both parties were required to submit simultaneous memoranda.

The lone assignment of error raised is:

"THAT THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT DENIED THE CLAIM FOR COMPENSATION FILED BY THE HEREIN PETITIONER BY STATING THAT THE AILMENT OF POST ECLAMPSIA WHICH CAUSED THE DEATH OF THE LATE AIDA MADARCOS FRANCISCO HAD NO CAUSAL RELATION WITH THE NATURE OF HER EMPLOYMENT AS A PUBLIC SCHOOL TEACHER."

The petitioner contends that post eclampsia which was found to be the cause of death of the late Aida Madarcos Francisco was aggravated by, if not the direct result of, her employment as a public school teacher.

The Office of the Solicitor General, on the other hand, contends that post eclampsia, which was diagnosed as the cause of her death, was a condition brought about by childbirth and not by her work.

The respondent Workmen's Compensation Commission failed to respect the presumption of compensability, as long as the illness or death supervened during employment. "So rigid is the rule that even when the cause of the employee's death is unknown x x x the right to compensation subsists" (*Itemcop vs. Florzo*, 17 SCRA 1104; *Magpantay vs. WCC, et al.*, L-43457, Oct. 26, 1976; *Leorna, et al. vs. WCC, et al.*, Sept. 30, 1976).

Moreover, there is ample evidence of compensability.

According to medical authorities, eclampsia is an attack of convulsions, but more often it refers to a seizure of convulsions occurring in late pregnancy, during labor, or after delivery. While the cause is not known, the condition is associated with, among others, a rising blood pressure or hypertension.

"Eclampsia. This term refers to an attack of convulsions which may be due to any one of a number of conditions, but more often it refers to a seizure of convulsions occurring in late pregnancy, during labor, or after delivery. The cause is not known, but the condition is associated with an involvement of the kidneys and a rising blood pressure. At such times the body is said to be in a state of toxemia, which means intoxication with poisons formed in the body, as by the faulty action of the kidneys and possibly other organs.

"The convulsions often follow severe vomiting. The first signs are disturbances of vision and headache. The treatment aims at relieving the kidneys and lowering the blood pressure. Sedatives are used to control the convulsions" (*Schmidt's Attorney's Dictionary of Medicine*, p. 251).

"Hypertension, or excessive tension or pressure, especially high blood pressure is found more frequently in people who are overweight or who are under emotional strain" (*Ibid.*, pp. 378, 363).

Eclampsia, therefore, may be due to a seizure of convulsions which may occur after delivery (post eclampsia), a condition associated with hypertension or high blood pressure frequently found in people who are under emotional strain. In this case, as found by the Labor Provincial Office No. VII of San Jose, Antique, long before her death, while Aida Madarcos Francisco was employed with the respondent, she already complained of headache in 1974. And later in the same year, while she was on the family way, she was again attacked by the same ailment but she continued working. She consulted Dr. Eduardo Ausan, the rural health physician of Libertad and Caluya, Antique, who also found her to be suffering from hypertension. Again, in the same year, 1974, she was attacked with hypertension and she had to be confined in a hospital in San Jose, Oriental Mindoro, where she died on October 19, 1974. While the cause of her death was pronounced as "Post Eclampsia," it is not hard to explain that this ailment could have been aggravated by, if not the direct result of, her hypertension suffered during and in the course of her employment as public school teacher. It may be added, that while the late school teacher was employed as such, she had to walk from their house to the school where she was teaching and vice versa and had to climb an elevation as the school building was on an elevated portion, thereby making her susceptible to be attacked with hypertension or the same had been aggravated by such strenuous physical exertion. As a school teacher, she had to perform non-classroom duties like actual demonstration. She had to prepare her

lesson plan during nighttime and had to stand during classes. All these physical and mental activities could have contributed to her sickness or hypertension and aggravated it at a time when she was on the family way.

WHEREFORE, THE DECISION OF THE WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND SET ASIDE AND THE RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY DIRECTED TO PAY:

1. THE CLAIMANT

A. THE SUM OF SIX THOUSAND (P6,000.00) PESOS;

B. EXPENSES FOR MEDICAL AND HOSPITAL SERVICE DULY SUPPORTED BY RECEIPTS; AND

C. ATTORNEY'S FEES EQUIVALENT TO 10% OF THE TOTAL RECEIVABLE AMOUNT; AND

2. THE WORKMEN'S COMPENSATION COMMISSION THE AMOUNT OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

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

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