

**FELICITACION A. GUILLEN, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION, REPUBLIC OF THE PHILIPPINES
(DEPARTMENT OF EDUCATION AND CULTURE, BUREAU OF PUBLIC
SCHOOLS, CAGAYAN I...**

G.R. No. L-46692. April 28, 1980

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ab6fa6178127/>

MAKASIAR, J.:

Petition for review of the December 31, 1975 decision of the respondent Workmen's Compensation Commission reversing the August 12, 1975 award of the referee of the Workmen's Compensation Unit in R02-WCU Case No. 4051-C.

Petitioner, since November 8, 1937 until her retirement on March 25, 1974, or for a period of more than thirty-six (36) years, was employed as a public school teacher by respondent employer.

On August 13, 1974, petitioner by reason of disability caused by her high blood pressure and inflammation of the gall bladder, which she allegedly contracted in the course of her employment with respondent employer, filed a claim for disability benefits with the Workmen's Compensation Section of the Department of Labor (Exh. C, p. 3, WCC rec.).

On August 22, 1974, the referee dismissed the claim for lack of cause of action, stating that the "claim you filed with this Office shows you contracted ailment on May 1952. If this were true, there would be no law covering such claim because R.A. 4119 took effect July 30, 1964. Hence, we cannot entertain your claim" (p. 9, WCC rec.).

On August 27, 1974, respondent employer controverted the claim on the ground that it does not fall within the coverage of Section 2 of the Workmen's Compensation Act, as amended (pp. 11-13, WCC rec.).

On February 24, 1975, claimant wrote a letter to respondent Commission requesting reconsideration of the dismissal of her claim and also enclosing another claim for compensation alleging among other things that she contracted rheumatism in 1974 and hypertension and environmental allergy in 1970 all due to and/or aggravated by stress and strain of work and exposure to unfavorable weather conditions (Exh. C-1, pp. 15-16, rec.).

On March 21, 1975, the order of dismissal was lifted to allow claimant to substantiate her claim and the referee set the hearing on April 24 and 25, 1975 at 9:00 o'clock in the morning.

Came April 24 and 25, 1975, petitioner failed to appear, prompting the referee to dismiss the claim for lack of interest to prosecute (p. 19, WCC rec.).

On May 3, 1975, claimant again moved for a reconsideration alleging that on the aforementioned dates of hearing she was suffering from severe cold and slight fever and which developed into influenza, that her husband sent a telegram for continuance of the hearing but the same did not reach the addressee because the government

telegram offices were out of order (pp. 21-25, WCC rec.).

On May 14, 1975, the order of dismissal dated April 25, 1975 was lifted and the hearing of the claim was set on June 9 and 10, 1975 at 8:30 in the morning (p. 27, WCC rec.).

Called for hearing, the petitioner presented evidence to substantiate her claim but respondent did not adduce evidence on the ground that there was no evidence to be presented. However, respondent requested for a determination of the admissibility of the receipts representing the reimbursement of medicines for the claimant's use. Accordingly, the referee issued an award directing respondent employer to pay to petitioner the amount of six thousand (P6,000.00) pesos as disability compensation under Section 14 of the Workmen's Compensation Act, as amended; the amount of one thousand three hundred twenty-five (P1,325.00) pesos as reimbursement for medical expenses as recommended by the medical rating officer and the amount of seventy-three (P73.00) pesos as administrative fee (pp. 116-119, WCC rec.).

In his August 12, 1975 award, the referee narrated the material facts as follows:

"From the evidence of the claimant, we gather that she is employed with the respondent (Exh. 'F'-Appointment) working as a classroom teacher from 1937 up to March 25, 1974 (Exh. 'A' - Service Record) with a salary of P3,432.00 per annum (Exh. 'G' - Salary Adjustment). That during the time that claimant was working with the respondent, she contracted illness (Exh. 'B' - Physician's Report) and was found to be suffering from hyper-tension, heart disease and rheumatism, for which reason she filed her claim for compensation benefits (Exh. 'C' - Notice and Claim for Compensation Benefits). It was also testified by the claimant, that during the time that she was under-going treatment, she filed her leave of absence (Exh. 'D' - Sick Leave of Absence). That because of her sickness, she had undergone medication and treatment, where she had spent from her own funds the sum of P1,900.00 (Exhs. 'H', 'I', 'L', 'L-1' 'L-4', 'M', 'M-1' to 'M-2', and 'N' - Medical Bills) but only the sum of P1,300.00 was duly recommended by the Medical Rating Officer, this Office (Exh. 'Unnumbered' - Evaluation of Disability Report). It was further testified by the claimant that during her working hours, she was complaining of severe headaches coupled with dizziness and body weakening and on account of her failing health she alleged, she went on retirement upon her doctor's advise. The claimant also presented her attending physician, Dr. Maxima Aguilizan, Camalaniugan Emergency Hospital, Camalaniugan, Cagayan, who testified that claimant was under her medical care from July 12, 1974, up to the present and had testified that she received from the claimant in consideration of her services in kind and in cash the sum of P320.00 aside from the medicines she supplied in the sum of P600.00 and other medical bills representing medicines purchased from different drug stores. The doctor further testified, that she had advised the claimant to go on retirement in order that her sickness would not be aggravated by her work; otherwise, her health would be prejudiced and would endanger (the loss of) her life. It was further alleged that claimant cannot engage in(to) any gainful occupation and with these set of facts, claimant rested her case" (underscoring supplied).

On September 8, 1975, respondent employer through the Office of the Solicitor General, moved for reconsideration of the August 25, 1975 award on the ground that

- claimant's cause of action has already prescribed;
- the theory of aggravation is not applicable since claimant did not suffer from any disabling disease, which might have been aggravated;
- there is lack of causal relation of her present illnesses with her past employment; and
- no compensable claim has been shown (pp. 126-128, WCC rec.).

On September 23, 1975, an order was issued denying the motion for reconsideration and ordering the elevation of

the entire records of the claim to the Workmen's Compensation Commission for review (pp. 124-125, WCC rec.).

On December 31, 1975, respondent Commission voided the August 12, 1975 award of the referee and absolved respondent employer from any liability, thus:

"It is evident that the amended claim filed on March 17, 1975, by the claimant was never transmitted to the respondent and the Office of the Solicitor General, thus, the Regional Office do(es) not acquire jurisdiction over the respondent, Republic of the Philippines. The amendment being substantial, the Regional Office should have transmitted the amended claim to the entity concerned and the Office of the Solicitor General.

"The original claim filed August 13, 1974, being without a cause of action, the hearing conducted and the decision rendered has no leg to stand on.

"However, in view of the lack of time, the claim can no longer be transmitted to the Office of the Solicitor General and we are, therefore, constrained to act on the merits of the case.

"Claimant retired at the age of 62 years, for alleged (Hypertension) Hypertensive Heart Disease as per Physician's Report, however, there is no report of an E.C.G. finding to support and establish the diagnosis of said illness.

"Moreover, claimant's service record does not show that she retired due to disability" (pp. 127-128, WCC rec., italics supplied).

On January 11, 1977, petitioner-claimant apparently unaware of the aforesaid decision of respondent Commission, filed a motion for execution of the August 12, 1975 award of the referee (pp. 136-137, WCC rec.).

In a letter dated June 16, 1977, the chief of Compensation Awards and Review Staff (CARS) informed claimant of the September 23, 1975 motion for recon-sideration filed by the Office of the Solicitor General and the elevation of the case to respondent Commission, which voided the August 12, 1975 award (pp. 138-140, WCC rec.).

On July 5, 1977, claimant received the June 16, 1977 letter of the Chief, CARS with a copy of the December 31, 1975 decision of respondent Commission declaring the referee's award null and void.

Hence, this petition was filed on August 15, 1977.

The challenged decision of respondent Commission declaring the August 12, 1975 award as null and void, should be reversed and set aside.

I

1. Respondent Republic of the Philippines claims it was denied due process as the Regional Office failed to transmit to the Office of the Solicitor General the amended claim filed by claimant on March 17, 1975. This was sustained by respondent Commission.

Respondent Commission seriously erred in this regard, it being contrary to and a patent disregard of OUR pronouncements on the matter. The failure of the Regional Office to furnish the Office of the Solicitor General a copy of the Notice and Claim for Compensation as required by General Circular No. 68 issued by the General Auditing Office, providing that claims against the Republic of the Philippines should be transmitted to the Solicitor General in his capacity as counsel for the National Government should not be allowed to redound to the prejudice of the claimant worker or employee, who has no control over the said office or agency, and whom the Compensation Act aims to protect (*Paraiso vs. Castelo-Sotto*, et al., 85 SCRA 419 [1978]; *Ruivivar vs. WCC*, 85 SCRA 184 [1978]; *Dinaro vs. WCC*, et al., 70 SCRA 292 [1976]; and *Republic vs. WCC*, et al. 45 SCRA 60

[1972]).

2. In overruling the compensability of the claim, respondent Commission held that there is no convincing evidence in the record to show that claimant actually contracted hypertensive heart disease. This ruling is predicated on the alleged absence of an ECG finding to support and establish the diagnosis of said illness and absence of any showing in claimant's service record that she retired due to disability.

WE disagree with the conclusion reached by the respondent Commission. In several decisions WE said an X-ray or some other laboratory report is not an indispensable prerequisite to compensability (*Romero vs. WCC, et al.*, 77 SCRA 488 [1977]; *Vallo vs. WCC, et al.*, 73 SCRA 623 [1976]; and *Jacob vs. WCC, et al.*, 72 SCRA 575 [1976], italics supplied). Therefore, applying by analogy the above-cited decisions, WE so rule that an ECG report is likewise not an indispensable pre-requisite to compensability.

The declaration of respondent Commission denying the claim on the ground that petitioner's service record does not show that she retired due to disability is likewise erroneous. The same is not sufficient to overcome the findings of the attending physician. This Court has already ruled in numerous cases that under Sec. 49(a) of the Workmen's Compensation Act, as amended, a medical report may be received as evidence and used as proof of the fact in dispute (*Romero vs. WCC, et al.*, supra; *Jacob vs. WCC, et al.*, supra; and *NDC vs. Raymundo & WCC*, 19 SCRA 861-864 [1967]).

The records clearly show that during the time that claimant was working with the respondent employer, she contracted illness (Exh. B, Physician's Report, p. 2, WCC rec.) and was found to be suffering from hypertension, heart disease and rheumatism for which reason she filed her claim for compensation on August 9, 1974. Petitioner, even prior to August 9, 1974, already experienced the symptoms of hypertension, heart disease and rheumatism. She used to go on sick leave because of fluctuating blood pressure and to undergo treatment (Exh. D, p. 75, WCC record, Exh. B, p. 2, WCC rec.). During her working hours, petitioner was suffering from severe headaches coupled with dizziness and body weakening. On account of her failing health, the attending physician of petitioner advised the latter to retire to prevent the loss of petitioner's life.

The records likewise show that the disability of petitioner on account of her illnesses is temporary (Exh. B, Physician's Report of Sickness or Accident, p. 2, WCC rec.).

The foregoing evidence stands un rebutted as respondent employer did not adduce evidence to contest the same. Clearly, therefore, petitioner did not only rely on the presumption of compensability granted her by law but successfully presented evidence to substantiate her claim.

The disability of herein petitioner is even strengthened by the fact that her optional retirement on March 25, 1974 or at the age of 62 was granted. Suffice it to emphasize that Memorandum Circular No. 133, issued on October 19, 1967 by the Office of the President, authorizes optional retirement only when the employee "x x x is physically incapacitated to render sound and efficient service" (*Pantoja vs. Republic of the Philippines, et al.*, 87 SCRA 443 [1978]; *Parian vs. WCC*, 84 SCRA 715 [1978]; *Romero vs. WCC, et al.*, supra; *Gomez vs. WCC*, 75 SCRA 395, 399, 400 [1977]; and *Despe vs. WCC*, 75 SCRA 350, 354 [1977], italics supplied).

Moreover, the presumption of compensability is fittingly applicable in the case at bar as it is undisputed that petitioner contracted before the effectivity of the New Labor Code, the illness in the course of her employment with respondent employer. To this end, it is incumbent upon respondent employer to overthrow such presumption by substantial evidence. This, respondent failed to do.

II

The claim of respondent that the present petition for review was not seasonably filed is likewise untenable.

Respondent employer alleged that Labor Attorney Loreto V. Poblete who acted as counsel for the claimant-petitioner in Regional Office No. II, was furnished a copy of the December 31, 1975 decision of respondent Commission by registered mail on March 12, 1975 and that a similar copy was received by the Office of the Solicitor General on March 16, 1976.

Respondent employer's allegation is however, rebutted by what clearly appears in the record of the case. The allegation of respondent employer is based on the registry return receipt (p. 130, WCC rec.) showing that a copy of the December 31, 1975 decision of the respondent Commission was received by the Office of the Solicitor General on March 16, 1976. With this as a premise, respondent employer concluded that a similar copy was sent to claimant's counsel, Labor Attorney Loreto V. Poblete, invoking the disputable presumption that "official duty has been regularly performed" of Sec. 5(m), Rule 13 of the Revised Rules of Court.

The conclusion is not well-taken. The registry return receipt showing that copy of the notice of decision of respondent Commission was received by the Office of the Solicitor General is not proper proof that a similar copy of said notice of decision was received by the claimant-petitioner. Likewise, there can be no presumption that claimant-petitioner was able to receive the copy of said notice of decision as the records clearly reveal that "there is no indication that the counsel for the claimant received the copy of the decision" (p. 29, WCC rec.). Consequently, the contention of the respondent employer that the petition for review was not seasonably filed, must necessarily fall.

It appearing that petitioner was represented by counsel only before this Court, a corresponding award of attorney's fees should be made equivalent to five percent (5%) of the total benefits herein awarded.

WHEREFORE, THE DECISION OF THE RESPONDENT COMMISSION IS HEREBY REVERSED AND SET ASIDE AND RESPONDENT REPUBLIC OF THE PHILIPPINES IS HEREBY DIRECTED TO PAY

- THE CLAIMANT - PETITIONER

- DISABILITY COMPENSATION BENEFITS IN THE AMOUNT OF SIX THOUSAND (P6,000.00) PESOS; AND

- HER EXPENSES FOR MEDICAL SERVICES AND MEDICINES IN THE AMOUNT OF ONE THOUSAND THREE HUNDRED TWENTY-FIVE (P1,325.00) PESOS AS FOUND AND RECOMMENDED BY THE MEDICAL RATING OFFICER; AND

- CLAIMANT-PETITIONER'S COUNSEL, ATTORNEY'S FEES EQUIVALENT TO FIVE PERCENT (5%) OF THE BENEFITS AWARDED.

SO ORDERED.

Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.
Teehankee, J., concurs in the result.

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.