

RICARDO BACHILLER, SR., PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, (BUREAU OF PUBLIC SCHOOLS) AND SEVERO M. PUCAN AND DIOSCORA C. ARELLANO, IN THEIR CAPACITIES AS CHAIRMAN AND...

G.R. No. L-43420. October 30, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Ricardo Bachiller, Sr., a former clerk in the Division of Public Schools in Legazpi City, seeks a review of the decision of the defunct Workmen's Compensation Commission dated January 6, 1976, which set aside an award for disability compensation granted in his favor on April 15, 1975 by Acting Referee Estanislao D. Sarto of Regional Office No. 6, Department of Labor, Naga City. The dispositive portion of the referee's award reads:

"WHEREFORE, award is hereby entered in favor of the claimant of the above-entitled compensation benefits and the respondent is hereby ordered to pay the following:

1. To the claimant, thru this Office, the sum of P5,237.28 as compensation; P855 as reimbursement of medical expenses, or a total sum of SIX THOUSAND EIGHTY TWO PESOS & 28/100 (P6,082.28);

2. To this Office, the sum of FIFTY THREE PESOS ONLY (P53.00) as fee, pursuant to Section 55 of the Act." (p. 104, WCC record)

The facts as found by the referee and reiterated in the decision on appeal follows:

"Claimant Ricardo Bachiller, Sr., 64 years old, Clerk I of the Division Office, Legazpi City, seeks to recover compensation benefits under the Workmen's Compensation Act, as amended, due to his ailments of Rheumatoid Arthritis, chest pains, (PTB, Minimal) which he had been suffering from January 5, 1973 necessitating him to be on sick leave off and on and permanently disabling him from work on June 1, 1974 up to the present, per advice of his attending physicians. Claimant submitted the following documentary evidence in support of his claim: a copy of his service record showing that he joined the government service on January 21, 1939; a copy of the medical history of his illnesses contracted in the course of his employment, brief and concise statement of his duties such as procurement of office supplies, materials, and equipment; assisting the Division Supply Officer in matters pertaining to his routinary duties, canvassing all requisitioned articles appearing in vouchers submitted by supervisors and principals in the division, assists in awarding to either highest or lowest bidders for sales and/or purchases of goods as authorized; serves as a liason officer in some various offices; helps in the distribution of supplies and materials or equipment, receiving shipment of goods

for the Division of Albay and such other duties as maybe required by the Division Superintendent of Schools or the Division Administrative Officer; copies of his leaves of absences; and sworn statement of his expenses incurred for medicines; professional fees to various attending physicians amounting to more than P1,089.50. All these pertinent papers relative to the claim for reimbursement of medical expenses were duly passed upon by the Compensation Rating Medical Officer who certified only the sum of P855.00 as fair and reasonable expense as stated in his report dated April 8, 1975." (p. 105, WCC record)

As a result of his ailments, petitioner suffered from temporary disability for labor for a period of no less than "625 days or 89-2/7 weeks" and "14% permanent disability of his right leg" per examination of the Commission's Medical Officer, on the basis of which the rate of the disability compensation was computed by the referee.

Notwithstanding the above findings, the Workmen's Compensation Commission on appeal by the Office of the Solicitor General dated April 24, 1975 held that "rheumatoid arthritis is not a compensable illness and that it is a degenerative change in the joints due to the aging process. The claimant being at an advanced age, he is likely to develop arthritis." The Commission further concluded that "the instant claim not being compensable the claim for medical expenses should be disallowed." [1]

We are constrained to set aside the decision under review.

In *Buenafloor, et al. vs. Workmen's Compensation Commission & Olaguer*, 1955, this Court through then Associate Justice Cesar Bengzon who later became its Chief Justice recognized the fact that rheumatism which may result in the permanent incapacity of an employee can be due to unusual and extraordinary strain occasioned by the nature of one's employment and assigned tasks for which the sick and disabled employee deserves disability compensation. [2]

In the case now before Us, the Municipal Health Officer, Dr. Rafael Navera in his physician's report dated January 13, 1975 certified that Bachiller's chest pains and arthritis were caused by "his" exposure to heat and cold while mailing and receiving communications from the post office and assisting the supply officer in distributing supplies and equipment." [3]

With claimant's illness having occurred in the course of employment and aggravated by his duties, he enjoys the benefits of Section 44 of the Workmen's Compensation Act which establishes the presumption of compensability of a claim of this nature and an outright award in his favor is thereby justified. [4]

The mere fact that other factors such as advancing age may have contributed to the aggravation of petitioner's illness, should not be a drawback to its compensability. For We have ruled time and again that 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. [5]

As regards the argument that petitioner herein availed himself of optional retirement, this Court has repeatedly held that the approval of a claimant's application for optional retirement before reaching the compulsory retirement age of 65 is a clear indication of his physical incapacity to render further efficient service. Our ruling on this point is predicated on Memorandum Circular No. 133, issued on October 16, 1967, by the Office of the President, which authorizes optional retirement even before reaching the compulsory age of retirement only when the employee "x x x is physically incapacitated to render sound and efficient service." [6]

Finally, and this is significant, the claim of petitioner was not properly controverted by respondent employer. In fact, petitioner's supervisor, Mr. Luis T. Tayo, Division Superintendent of Schools, Legazpi City, endorsed the payment of the disability compensation. [7]

IN VIEW OF THE FOREGOING, We set aside the decision of respondent Commission and reinstate the Acting Referee's award in favor of petitioner-claimant Ricardo Bachiller, Sr. quoted in pages one and two of this Decision. We further direct respondent Bureau of Public Schools, Republic of the Philippines, to furnish petitioner with such services, appliances and supplies as the nature of his disability and the process of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] p. 113, WCC record

[2] May 25, 1955, 97 Phil. 78.

[3] p. 68, WCC record

[4] Mercado vs. WCC, et al., 72 SCRA 260; Cabinta vs. WCC, et al., 72 SCRA 266; Galang vs. WCC, et al., 72 SCRA 454; Laude vs. Cine Moderna, et al., 72 SCRA 569; Jacob vs. WCC, et al., 72 SCRA 575; Vda. de Laron vs. WCC, et al., 73 SCRA 84; Pros vs. WCC, et al., 73 SCRA 92; Caparas vs. WCC, et al., 73 SCRA 221; Vda. de Leorna vs. WCC, et al., 73 SCRA 228, and a host of other cases.

[5] Abana vs. Quisumbing, 22 SCRA 1278; Bautista vs. WCC, et al., 80 SCRA 313; Natividad vs. WCC (Bu. of Public Schools) L-42340, Aug. 31, 1978

[6] Romero vs. WCC, et al., 77 SCRA 482; Ybañez vs. WCC, et al., 77 SCRA 501; Legason vs. WCC, et al., 75 SCRA 213; Despe vs. WCC, et al., 75 SCRA 350; Gomez vs. WCC, et al., 75 SCRA 395.

[7] p. 95, WCC record

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